

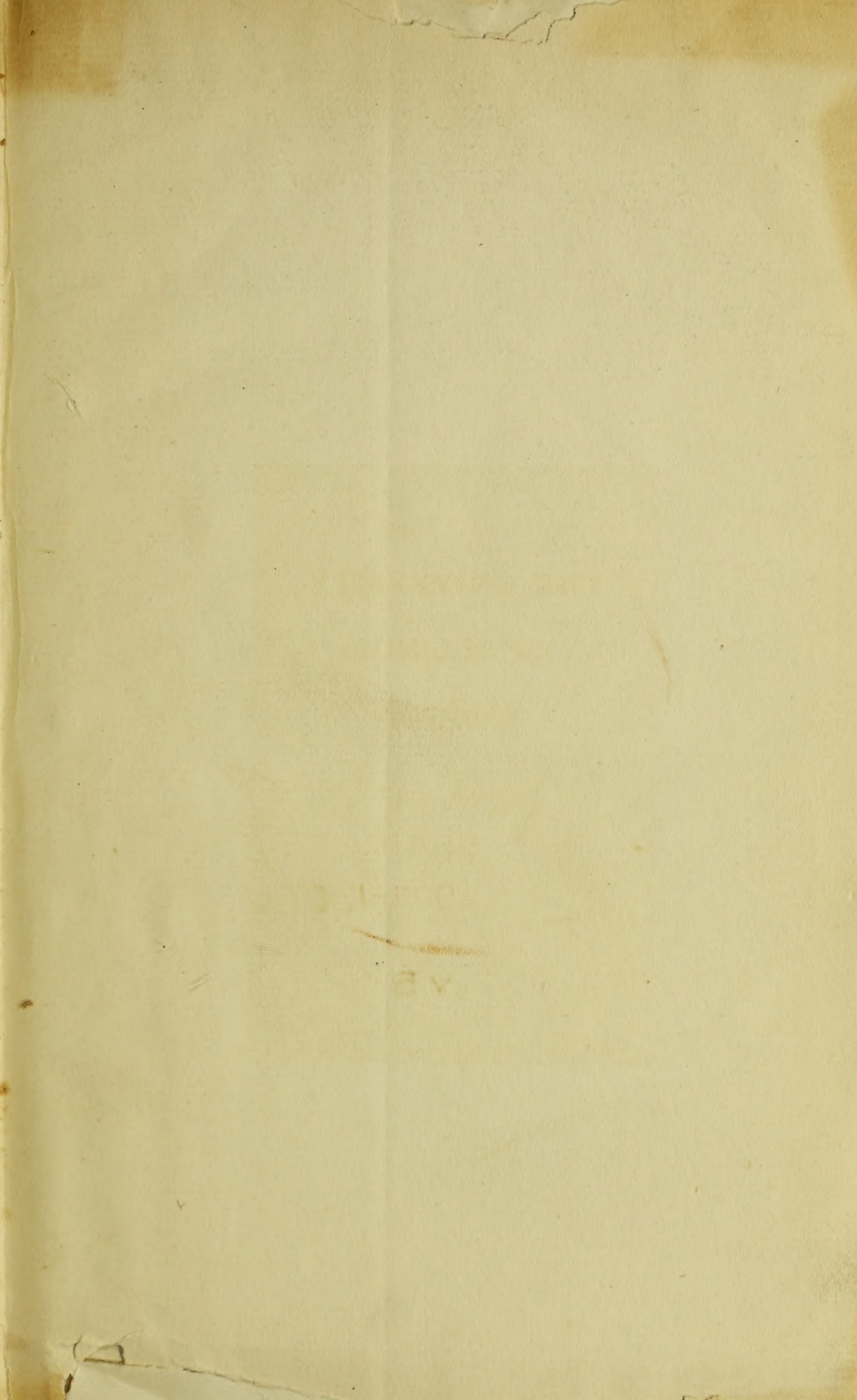
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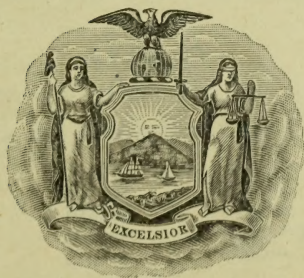
JOURNAL OF THE ASSEMBLY

OF THE
STATE OF NEW YORK

AT THEIR
ONE HUNDRED AND THIRTIETH SESSION

BEGUN AND HELD AT THE CAPITOL IN THE CITY OF ALBANY,
ON WEDNESDAY, THE SECOND DAY OF JANUARY, 1907

VOLUME V



ALBANY
J. B. LYON COMPANY, STATE PRINTERS
1907

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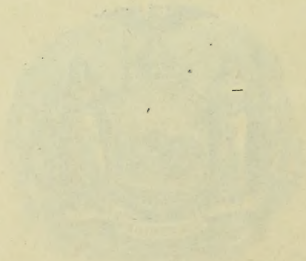
STATE OF NEW YORK

AT THE

ONE HUNDRED AND THIRTIETH SESSION

OPENED AND HELD AT THE CAPITAL IN THE CITY OF ALBANY
ON WEDNESDAY THE 2ND DAY OF JANUARY 1853

VOLUME 7



ALBANY:
J. B. LEECH, PRINTER.
1853

JUNE 12.]

4001

Brooks	Farrell	Hamn	O'Brian	Waddell
Brough	Fay	Harawitz	Oliver	Wagner
Brown	Ferguson	Hoey	Parker	Waters
Burhyte	Feth	Hubbs	Phillips	Weber
Burns	Filley	Hurd	Reece	West
Cavanaugh	Foley C F	Keller	Robinson	Whitley
Cole	Foley J A	Lansing	Schmidt	Whitney F G
Conrady	Frisbie	Lowe	Schwegler	Whitney G H
De Groot	Ganly	Maher	Shuttleworth	Winters
Dominy	Geoghagan	Mallon	Smith A E	Yale
Donnelly	Goldberg	Marlatt	Smith C	Young

Mr. Rogers moved to reconsider the vote by which said motion was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was decided in the affirmative.

Pursuant to notice, Mr. Rogers moved to suspend rules Nos. 5, 6, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 49, 54, and also the special rule adopted by this House on April twenty-fifth, nineteen hundred and seven, for the purpose of discharging any and all committees of this House from the further consideration of Senate bill (No. 708), entitled "An act to repeal chapter two hundred and thirty-one of the Laws of eighteen hundred and ninety-three, entitled 'An act to legalize the agreement between the Binghamton and Port Dickinson Railroad Company, the Binghamton Street Railroad Company, and the city of Binghamton, New York,'" and for the purpose of advancing out of its order and passing said bill.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

AYES 25

NOES 75

Those who voted in the affirmative were:

Blue	Cuvillier	Gray	Mance	Rogers
Buckley	Dobbs	Harper	Nevins	Schoeneck
Chamberlain	Flanagan	Holmes	Newton	Stratton
Collins	Garbe	Jackson	Northrup	Wainwright
Cunningham	Glynn	Jacobs	Patton	Walters

Those who voted in the negative were:

Allen	Dowling	Gunderman	Matthews	Smith Myron
Averill	Draper	Hackett	Merritt	Stanton
Baumann	Dudley	Hamilton	Moreland	Surpluss
Bohan	Eichhorn	Hammond	Murphy C F	Voss
Brooks	Farrell	Hamn	O'Brian	Waddell

Brough	Fay	Harawitz	Oliver	Wagner
Brown	Ferguson	Hoey	Parker	Waters
Burhyte	Feth	Hubbs	Phillips	Weber
Burns	Filley	Hurd	Reece	West
Cavanaugh	Foley C F	Keller	Robinson	Whitley
Cole	Foley J A	Lansing	Schmidt	Whitney F G
Conrady	Frisbie	Lowe	Schwegler	Whitney G H
De Groot	Ganly	Maher	Shuttleworth	Winters
Dominy	Geoghagan	Mallon	Smith A E	Yale
Donnelly	Goldberg	Marlatt	Smith C	Young

Mr. Rogers moved to reconsider the vote by which said motion was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was decided in the affirmative.

Mr. Frisbie offered for the consideration of the House a resolution, in the words following:

Whereas, The Legislature of the State of New York, by its acts known and cited as chapter 270 of the Laws of 1818, passed April 21, 1818, entitled "An act for the relief of certain volunteers and militia called into the service for the defense of the forts of the State in the late war"; chapter 117 of the Laws of 1819, passed April 9, 1819, entitled "An act to authorize the payment of the claims for services rendered, and supplies furnished, by the militia and volunteers of this State, called into service during the late war, whenever any money shall be received by this State from the Government of the United States on the claims referred to"; chapter 597 of the Laws of 1857, passed April 8, 1857, similarly entitled, and the various acts amendatory of the same authorized and required the commissary-general and adjutant-general of the State to audit and settle the amount properly chargeable to the State of New York for the services and contingent expenditures of the volunteers and militia of said State called out for its defense during the late war (the term "late war" as above used means the second war between the United States and England, known as the War of 1812), and

Whereas, The Legislature by act of April 8, 1859, cited as chapter 176 of the Laws of 1859, authorized and required the adjutant-general and the inspector-general, with the aid of the commissary-general, to receive proofs and ascertain and determine sums due for contingent expenditures of the militia and volunteers aforesaid, and members or individuals of any Indian tribe within the State included in the late war, etc., and

Whereas, In pursuance of and by virtue of the provisions of the acts mentioned the above named officers acted as a board of commissioners, and received proofs and ascertained and determined the said indebtedness, and issued 17,228 certificates of the general form following, to wit.:

"CERTIFICATE.

(Seal of the State of New York.)

No.

..... Attorney for Claimant.

We, the undersigned, pursuant to chapter 176 of the Laws of 1859, passed April 8, 1859, do hereby certify that we have audited and revised the claim of

..... and that there is due to him the sum of dollars, with interest at the rate of six per cent. per annum from August, 1858, for contingent expenses adjudged to him by us in pursuance of the provisions of the said act."

(Signed.) Adjutant-General, N. Y. S. M.

" Inspector-General, N. Y. S. M.

Dated Albany, N. Y., July 4, 1859,"

and

Whereas, The Legislature, by chapter 470 of the Laws of 1869; chapter 529 of the Laws of 1870; chapter 350 of the Laws of 1874; various sums amounting in the aggregate to \$250,000 were appropriated for the redemption of these certificates, and

Whereas, By appropriating the above sum and other sums for the redemption of these certificates, the State declared its faith in the justice and equity of these claims, which are justly chargeable to the Government of the United States, and was confident that the Federal Government would reimburse the State, in both principal and interest, and

Whereas, It is due and right that vigorous and persistent effort be taken by the State to procure an adjustment, and payment by the United States to the State of New York, of such its advances, and of an amount enabling it to discharge such further sums as are still due upon said certificates, which by the usual and proper method of authentication shall be found to be meritorious.

Resolved (if the Senate concur), That the Senators and Representatives in Congress from this State be requested to introduce, without delay, in the Congress of the United States, and endeavor to secure the passage of an act to authorize and direct the proper accounting officer of the Treasury of the United States, to examine and settle the claims of the State of New York for monies paid by said State upon said certificates, and to appropriate and pay to the State of New York an amount to cover all sums heretofore advanced by the State, and to redeem, both principal and interest, all such certificates as are now outstanding which have been found, or shall be found to be justly due the volunteers and

militia of said State called into the service of the Federal Government in the War of 1812, or to other persons, not volunteers and militia, on account of clothing, equipment, transportation and additional pay not heretofore paid by the United States, and for contingent expenditures as have been, or shall or may be heretofore audited.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, *June 11, 1907.*

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1558, Int. No. 1265) entitled "An act to amend chapter three hundred and ninety-four of the Laws of eighteen hundred and ninety-five, entitled 'An act to revise the charter of the city of Oswego,' in relation to the liability of the city."

CHARLES E. HUGHES.

Mr. Burhyte offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1228, Int. No. 624) entitled "An act to amend the Highway Law, relative to the amount to be paid by the State to towns which have adopted the money system," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. F. G. Whitney offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1558, Int. No. 1265) entitled "An act to amend chapter three

hundred and ninety-four of the Laws of eighteen hundred and ninety-five, entitled 'An act to revise the charter of the city of Oswego,' in relation to the liability of the city," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Merritt offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1841, Senate reprint No. 1798, Int. No. 1440) entitled "An act to amend chapter four hundred and sixty-nine of the Laws of nineteen hundred and six, entitled 'An act to provide for issuing of bonds of the State for the improvement of highways, and making an appropriation therefor,' generally," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 12, 1907.*

Resolved (if the Assembly concur), That Senate bill (No. 1065, Rec. No. 251) entitled "An act to release to Margaretha Ansay all the right, title and interest of the people of the State of New York, in and to certain real estate situate in the city of Buffalo, county of Erie and State of New York, acquired by escheat or otherwise upon the death of Hyronimus Wagner," be returned to the Governor.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 12, 1907.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 1558, Rec. No. 414) entitled "An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal, and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' as amended by chapter seven hundred and forty of the Laws of nineteen hundred and five, relative to the route of the improved Erie canal," for the purpose of re-engrossing.

By order of the Senate,

LAFAYETTE B. GLEASON,

Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 2706, Int. No. 959) entitled "An act to amend the Greater New York charter, relative to inspection of boilers and engines, and the qualification and licensing of engineers," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

The Senate returned the Assembly bill (No. 1997, Senate reprint No. 1809, Int. No. 33) entitled "An act to amend the Code of Criminal Procedure, in relation to what persons are vagrants."

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the bill (No. 1299, Int. No. 1094) entitled "An act for the appointment of a commissioner of records of the county of Queens."

Also, the bill (No. 196, Int. No. 196) entitled "An act relative to the admission to the State bar examinations, John C. Hackett."

Also, the bill (No. 571, Int. No. 546) entitled "An act to admit Morgan Llewellyn Griffith to the State bar examination."

Also, the bill (No. 2837, Int. No. 1939) entitled "An act to legalize, ratify and confirm a special election held in the town of Monroe, county of Orange, and the proposition adopted at such election for the purchase of a stone crushing plant, consisting of steam roller, stone crusher, elevator and bin in such town and pledging the credit of said town for the payment of the same."

Also, the bill (No. 2657, Int. No. 1814) entitled "An act fixing standards of purity, illuminating power and pressure of gas in cities of the second class."

Also, the bill (No. 2553, Int. No. 1468) entitled "An act to amend the Code of Civil Procedure, in relation to the discharge of a mechanic's lien."

Also, the bill (No. 2682, Int. No. 1858) entitled "An act to amend section two hundred and twenty-nine of the Tax Law in relation to defraying the expenses for office rent, stationery, postage, process serving, et cetera, in the appraisal of estates in New York county."

Also, the bill (No. 2765, Int. No. 1895) entitled "An act to incorporate the 'Tiffany Employees' Benevolent Association.' "

Also, the bill (No. 1392, Int. No. 1152) entitled "An act to amend the Penal Code, in relation to the punishment of persons convicted of the crime of extortion and blackmail."

Also, the bill (No. 1630, Int. No. 1318) entitled "An act to amend the Code of Civil Procedure, in relation to champertous agreements."

Also, the bill (No. 2672, Int. No. 1540) entitled "An act to amend the Agricultural Law, in relation to the sale and transportation of adulterated and misbranded foods and regulating traffic therein."

Also, the bill (No. 2764, Int. No. 1894) entitled "An act to amend chapter six hundred and eighty-six of the Laws of eighteen hundred and ninety-four, entitled, as amended, 'An act for

the preservation of macadamized and other public highways in the counties of Queens and Nassau,' by exempting certain roads from certain of the provisions thereof."

Also, the bill (No. 1157, Int. No. 1000) entitled "An act to enable John Montgomery to be admitted to practice as an attorney and counsellor at law of the Supreme Court of the State of New York."

Also, the bill (No. 2275, Int. 1794) entitled "An act to authorize the Comptroller of the State to hear and determine the application of May R. DeSilva, for the cancellation of the eighteen hundred and ninety-five tax sale of lot forty-one, great lots seven and ten, Darling's first survey, Hardenburgh patent, in the county of Ulster."

Also, the bill (No. 1179, Int. No. 1020) entitled "An act to amend the Penal Code, relating to the issue and redemption of trading stamps and similar devices."

Also, the bill (No. 2809, Int. No. 1919) entitled "An act to amend chapter six hundred and eighty-three of the Laws of eighteen hundred and ninety-two, entitled 'An act in relation to executive officers, constituting chapter nine of the general laws,' in relation to the salary of the Deputy State Engineer."

Also, the bill (No. 1858, Int. No. 1271) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section three of article two of the Constitution in relation to the qualification of certain voters."

Also, the bill (No. 2733, Int. No. 1018) entitled "An act to release to Mary H. Travis, John Bramhall Roebuck, George Roebuck, Herbert Roebuck, Ernest Roebuck, Alfred Roebuck, Walter Roebuck and Arthur Roebuck all the right, title and interest of the people of the State of New York in and to certain lots of land of Joseph H. Van Mater, Junior, deceased, situate in the borough of Queens, in the city of New York," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1228, Int. No. 624), entitled "An act to amend the Highway

Law, relative to the amount to be paid by the State to towns, which have adopted the money system," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1558, Int. No. 1265) entitled "An act to amend chapter three hundred and ninety-four of the Laws of eighteen hundred and ninety-five, entitled 'An act to revise the charter of the city of Oswego,' in relation to the liability of the city," with a message that they have concurred in the passage of the same.

Ordered, That Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1841, Senate reprint No. 1798, Int. No. 1440), entitled "An act to amend chapter four hundred and sixty-nine of the Laws of nineteen hundred and six, entitled 'An act to provide for issuing of bonds of the State for the improvement of highways, and making an appropriation therefor,' generally," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 11, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1228, Int. No. 624) entitled "An act to amend the Highway Law, relative to the amount to be paid by the State to towns which have adopted the money system."

CHARLES E. HUGHES.

A communication was received from Hon. Paul Weiss, mayor of the city of Dunkirk returning Assembly bill (No. 2766, Int.

No. 1896) entitled "An act to amend chapter three hundred and ninety-six of the Laws of eighteen hundred and eighty-five, entitled 'An act to revise the charter of the city of Dunkirk,' in relation to construction of sewers, interest on deferred payments and bonds for such improvements," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Eugene Beach, mayor of the city of Gloversville, returning Assembly bill (No. 2414, Senate reprint No. 1578, Int. No. 1720), entitled "An act to amend section one hundred and ninety-three of chapter two hundred and seventy-five of the Laws of eighteen hundred and ninety-nine, entitled 'An act to revise the charter of the city of Gloversville,' in relation to the purchase of school sites, and the erection and enlargement of school buildings; tax elections; the borrowing of money and issue and sale of bonds," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Louis P. Fuhrman, acting mayor of the city of Buffalo, returning Assembly bill (No. 2824, Int. No. 1931), entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of refunding one hundred thousand dollars of water fund bonds due and paid October first, nineteen hundred and three, also for refunding one hundred thousand dollars of water fund bonds due and paid in error in the year eighteen hundred and eighty-one," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Louis P. Fuhrman, acting mayor of the city of Buffalo returning Assembly bill (No. 2825, Int. No. 1932), entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of refunding a certain certificate of indebtedness payable July first, nineteen hundred and eight," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Louis P. Fuhrman, acting mayor of the city of Buffalo, returning Assembly bill (No. 2823, Int. No. 1930), entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of raising money to construct, maintain, extend, operate, repair and regulate water works," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Rogers, the House adjourned.

THURSDAY, JUNE 13, 1907.

The House met pursuant to adjournment.

Prayer by Rev. J. Clark Simmons, Troy.

On motion of Mr. Moreland, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. Eichhorn gives notice that he requests that Assembly bill (No. 2870, Int. No. 1962) entitled "An act to widen and improve a certain street in the city of New York, being partly in the counties of Kings and Queens," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Bohan gives notice that he requests that the Senate bill (No. 1172, Rec. No. 394) entitled "An act to amend the Penal Code, relative to appointment of special officers," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Francis gives notice that he requests that the Senate bill (No. 880, Rec. No. 145) entitled "An act to amend section eight hundred and eighty-one of the Code of Civil Procedure, relative to the reading in evidence of the deposition of a party, now deceased, in an action brought by decedent's executor or adminis-

trafor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Weimert gives notice that he requests that the Senate bill (No. 1830, Rec. No. 504) entitled "An act to amend the Public Lands Law, in relation to escheats," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. F. G. Whitney gives notice that he requests that the Senate bill (No. 1714, Rec. No. 472) entitled "An act to provide for the settlement of certain claims arising from the construction of a State lock on Saranac river, and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Wells gives notice that he requests that Senate bill (No. 1173, Rec. No. 310) entitled "An act to amend the Civil Service Law, relative to examinations," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Oliver gives notice that he requests that the Senate bill (No. 1176, Rec. No. 434) entitled "An act to authorize the erection, furnishing, and equipment of a municipal building at the Manhattan terminal of the New York and Brooklyn bridge in the city of New York," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

By unanimous consent, Mr. Burhyte introduced a bill entitled "An act to amend the Highway Law, relative to State aid in towns under the money system" (Int. No. 1980), which was read the first time and referred to the committee on internal affairs.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Eichhorn (No. 2870,

Int. No. 1962), entitled "An act to widen and improve a certain street in the city of New York, being partly in the counties of Kings and Queens," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred Senate bill introduced by Mr. Page (No. 880, Rec. No. 145), entitled "An act to amend section eight hundred and eighty-one of the Code of Civil Procedure, relative to the reading in evidence of the deposition of a party, now deceased, in an action brought by decedent's executor or administrator."

Also, Senate bill introduced by Mr. McManus (No. 1172, Rec. No. 394), entitled "An act to amend the Penal Code, relative to appointment of special officers."

Also, Senate bill introduced by Mr. Gates (No. 1714, Rec. No. 472), entitled "An act to provide for the settlement of certain claims arising from the construction of a State lock on Saranac river, and making an appropriation therefor."

Also, Senate bill introduced by Mr. Hill (No. 1830, Rec. No. 504), entitled "An act to amend the Public Lands Law, in relation to escheats."

Also, Senate bill introduced by Mr. McCarren (No. 1176, Rec. No. 484), entitled "An act to authorize the erection, furnishing and equipment of a municipal building at the Manhattan terminal of the New York and Brooklyn bridge in the city of New York."

Also, Senate bill introduced by Mr. Tully (No. 1173, Rec. No. 310), entitled "An act to amend the Civil Service Law, relative to examinations," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Phillips, from the committee on conference, presented the following report:

To the Legislature:

The undersigned, appointed by the Senate and Assembly as a committee of conference relative to the matters of difference arising between the two Houses upon the Senate bill (No. 1832, Assembly reprint No. 2892, Rec. No. 500) entitled "An act to organize the Senate districts and for the apportionment of members of Assembly of this State," report that they have duly conferred upon said matters and have failed to agree:

WILLIAM J. TULLY,
SANFORD W. SMITH,
P. McCARREN,

On the part of the Senate.

JESSE S. PHILLIPS,
EDWIN A. MERRITT, JR.,
FRED W. HAMMOND,
EZRA PRENTICE,
JAMES OLIVER,

On the part of the Assembly.

Mr. Speaker announced the special order, being the Senate bill (No. 1776) entitled "An act to amend chapter nine hundred and nine of the Laws of eighteen hundred and ninety-six, in relation to the elections, constituting chapter six of the general laws, with relation to the appointment and removal of election officers in cities" (Rec. No. 478). Said bill having been announced for a second reading,

On motion of Mr. Prentice, and by unanimous consent, said bill was made a special order on second and third reading for Friday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 291) entitled "An act to amend chapter four hundred and sixty-six of the Laws of nineteen hundred and one (the Greater New York charter), by providing for the licensing of theatre-ticket brokers, and the regulation of the theatre brokerage business" (Rec. No. 488). Said bill having been announced, Mr. Wagner moved to amend as follows:

By striking out on line 24, page 5, the word "March" and insert in its place the word "September."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to special order second and third reading.

Mr. Speaker announced the special order, being the bill (No. 2870) entitled "An act to widen and improve a certain street in the city of New York, being partly in the counties of Kings and Queens." (Int. No. 1962.)

On motion of Mr. Eichhorn, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Apgar	Draper	Hammond	Merritt	Shuttleworth
Averill	Dudley	Hamn	Miller	Sinclair
Baldwin	Duell	Harper	Mills	Smith A E
Baumann	Eagleton	Harris	Mooney	Smith C
Blue	Eggleston	Hart	Moreland	Smith Myron
Boshart	Eichhorn	Hastings	Morgan	Stern
Brady	Farrell	Hoey	Murphy C W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Foley C F	Hurd	Norton	Volk
Burhyte	Foley J A	Huth	O'Brian	Voss
Burns	Fowler	Jackson	Oliver	Waddell
Cavanaugh	Francis	Jacobs	Parker	Wagner
Chamberlain	Frisbie	Lansing	Patton	Wainwright
Cole	Ganly	Lee	Phillips	Waters
Collins	Garbe	Lewis	Prentice	Weber
Colne	Geoghagan	Loos	Ralston	Weimert
Conklin	Glore	Lowe	Reece	Wells
Conrad	Glynn	Lupton	Robinson	Whitley
Croak	Goldberg	Maher	Rogers	Whitney F G
Cunningham	Gray	Mallon	Schmidt	Whitney G H
Cuvillier	Green	Mance	Schoeneck	Winters
De Groot	Gunderman	Marlatt	Schulz	Wood
Dominy	Hackett	Matthews	Schwegler	Yale
Donnelly	Haines	Mead	Sheridan	Young
Dowling	Hamilton			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 880) entitled "An act to amend section eight hundred and eighty-one of the Code of Civil Procedure, relative to the reading in evidence of the deposition of a party, now deceased, in an action brought by decedent's executor or administrator" (Rec. No. 145). Said bill having been announced for second reading, Mr. Cuvillier moved to recommit said bill to the committee on rules.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

On motion of Mr. Prentice, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 66

NOES 22

Those who voted in the affirmative were:

Blue	Eichhorn	Hoey	Miller	Staley
Boshart	Farrell	Jackson	Moreland	Stern
Brooks	Ferguson	Keller	Morgan	Stratton
Brough	Filley	Lansing	Nevins	Surpless
Brown	Flanagan	Lee	Newton	Voss
Burhyte	Foley C F	Lowe	O'Brian	Waddell
Chamberlain	Francis	Lupton	Oliver	Wainwright
Cole	Garbe	Mallon	Parker	Waters
Conklin	Gray	Mance	Patton	Weber
Cunningham	Green	Marlatt	Reece	Wells
De Groot	Gunderman	Matthews	Rogers	Whitney F G
Dobbs	Hamilton	McCue	Sinclair	Whitney G H
Dominy	Harris	Mead	Smith C	Yale
Dudley				

Those who voted in the negative were:

Allen	Draper	Murphy C F	Schoeneck	Weimert
Averill	Fowler	Northrup	Shuttleworth	West
Collins	Glynn	Phillips	Smith A E	Whitley
Colné	Hammond	Robinson	Wagner	Winters
Cuvillier	Maher			

Mr. Conklin moved to reconsider the vote by which said bill was lost, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was decided in the affirmative.

Mr. Speaker announced the special order, being the Senate bill (No. 1172) entitled "An act to amend the Penal Code, relative to appointment of special officers." (Rec. No. 394.)

On motion of Mr. Eagleton, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 2

Those who voted in the affirmative were:

Apgar	Draper	Hamilton	Merritt	Shuttleworth
Averill	Dudley	Hammond	Miller	Sinclair
Baldwin	Duell	Hamn	Mills	Smith A E
Baumann	Eagleton	Harper	Mooney	Smith C
Blue	Eggleston	Harris	Moreland	Smith Myron
Boshart	Eichhorn	Hart	Morgan	Stern
Brady	Farrell	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Todd
Brown	Filley	Hubbs	Northrup	Volk
Buckley	Foley C F	Hurd	Norton	Voss
Burhyte	Foley J A	Huth	O'Brian	Waddell
Burns	Fowler	Jackson	Oliver	Wagner
Cavanaugh	Francis	Jacobs	Parker	Wainwright
Chamberlain	Frisbie	Lansing	Patton	Waters
Cole	Ganly	Lee	Phillips	Weber
Collins	Garbe	Lewis	Prentice	Weimert
Colne	Geoghagan	Loos	Ralston	Wells
Conklin	Glore	Lowe	Reece	West
Conrady	Glynn	Lupton	Robinson	Whitley
Croak	Goldberg	Maher	Rogers	Whitney F G
Cunningham	Gray	Mallon	Schmidt	Whitney G H
Cuvillier	Green	Mance	Schoeneck	Winters
De Groot	Gunderman	Marlatt	Schulz	Wood
Dominy	Hackett	Matthews	Schwegler	Yale
Donnelly	Haines	Mead	Sheridan	Young

Those who voted in the negative were:

Dowling Surpluss

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1714) entitled "An act to provide for the settlement of certain claims arising from the construction of a State lock on Saranac river, and making an appropriation therefor." (Rec. No. 472.)

On motion of Mr. Burhyte, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Apgar	Draper	Hammond	Merritt	Shuttleworth
Averill	Dudley	Hamn	Miller	Sinclair
Baldwin	Duell	Harper	Mills	Smith A E
Baumann	Eagleton	Harris	Mooney	Smith C
Blue	Eggleston	Hart	Moreland	Smith Myron
Boshart	Eichhorn	Hastings	Morgan	Stern
Brady	Farrell	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpluss
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Foley C F	Hurd	Norton	Volk
Burhyte	Foley J A	Huth	O'Brian	Voss
Burns	Fowler	Jackson	Oliver	Waddell
Cavanaugh	Francis	Jacobs	Parker	Wagner
Chamberlain	Frisbie	Lansing	Patton	Wainwright
Cole	Ganly	Lee	Phillips	Waters
Collins	Garbe	Lewis	Prentice	Weber
Colné	Geoghagan	Loos	Ralston	Weimert
Conklin	Glore	Lowe	Reece	Wells
Conrady	Glynn	Lupton	Robinson	Whitley
Croak	Goldberg	Maher	Rogers	Whitney F G
Cunningham	Gray	Mallon	Schmidt	Whitney G H
Cuvillier	Green	Mance	Schoeneck	Winters
De Groot	Gunderman	Marlatt	Schulz	Wood
Dominy	Hackett	Matthews	Schwegler	Yale
Donnelly	Haines	Mead	Sheridan	Young
Dowling	Hamilton			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1830) entitled "An act to amend the Public Lands Law, in relation to escheats." (Rec. No. 504.)

On motion of Mr. Patton, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Apgar	Draper	Hammond	Merritt	Shuttleworth
Averill	Dudley	Hamme	Miller	Sinclair
Baldwin	Duell	Harper	Mills	Smith A E
Baumann	Eagleton	Harris	Mooney	Smith C
Blue	Eggleston	Hart	Moreland	Smith Myron
Boshart	Eichborn	Hastings	Morgan	Stern
Brady	Farrell	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Foley C F	Hurd	Norton	Volk
Burhyte	Foley J A	Huth	O'Brian	Voss
Burns	Fowler	Jackson	Oliver	Waddell
Cavanaugh	Francis	Jacobs	Parker	Wagner
Chamberlain	Frisbie	Lansing	Patton	Wainwright
Cole	Ganly	Lee	Phillips	Waters
Collins	Garbe	Lewis	Prentice	Weber
Colne	Geoghagan	Loos	Ralston	Weimert
Conklin	Glore	Lowe	Reece	Wells
Conrady	Glynn	Lupton	Robinson	Whitley
Croak	Goldberg	Maher	Rogers	Whitney F G
Cunningham	Gray	Mallon	Schmidt	Whitney G H
Cuvillier	Green	Mance	Schooneck	Winters
De Groot	Gunderman	Marlatt	Schulz	Wood
Dominy	Hackett	Matthews	Schwegler	Yale
Donnelly	Haines	Mead	Sheridan	Young
Dowling	Hamilton			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1176) entitled "An act to authorize the erection, furnishing and equipment of a municipal building at the Manhattan terminal of the New York and Brooklyn bridge in the city of New York." (Rec. No. 484.)

On motion of Mr. Mooney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Apgar	Draper	Hammond	Miller	Sinclair
Averill	Dudley	Hamn	Mills	Smith A E
Baldwin	Duell	Harper	Mooney	Smith C
Baumann	Eagleton	Harris	Moreland	Smith Myron
Blue	Eggleston	Hart	Morgan	Stern
Boshart	Eichhorn	Hastings	Murphy G W	Stevenson
Brady	Farrell	Hoey	Nevins	Stratton
Brooks	Ferguson	Holmes	Newton	Surpless
Brough	Feth	Hooper	Northrop	Todd
Brown	Filley	Hubbs	Norton	Volk
Buckley	Foley C F	Hurd	O'Brian	Voss
Burhyte	Foley J A	Huth	Oliver	Waddell
Burns	Fowler	Jackson	Parker	Wagner
Cavanaugh	Francis	Jacobs	Patton	Wainwright
Chamberlain	Frisbie	Lansing	Phillips	Waters
Cole	Ganly	Lee	Prentice	Weber
Collins	Garbe	Lewis	Ralston	Weimert
Colné	Geoghagan	Loos	Reece	Wells
Conklin	Glore	Lowe	Robinson	West
Conrady	Lynn	Lupton	Rogers	Whitley
Croak	Goldberg	Maher	Schmidt	Whitney F G
Cunningham	Gray	Mallon	Schoeneck	Whitney G H
Cuvillier	Green	Mance	Schulz	Winters
De Groot	Gunderman	Marlatt	Schwegler	Wood
Dominy	Hackett	Matthews	Sheridan	Yale
Donnelly	Haines	Mead	Shuttleworth	Young
Dowling	Hamilton	Merriitt		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1173) entitled "An act to amend the Civil Service Law, relative to examinations." (Rec. No. 310.)

Said bill having been announced for second reading, Mr. Cuvillier moved to recommit said bill to the committee on rules.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

On motion of Mr. Chamberlain, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Draper	Hammond	Miller	Sinclair
Averill	Dudley	Hamn	Mills	Smith A E
Baldwin	Duell	Harper	Mooney	Smith C
Baumann	Eagleton	Harris	Moreland	Smith Myron
Blue	Eggleston	Hart	Morgan	Stern
Boshart	Eichhorn	Hastings	Murphy G W	Stevenson
Brady	Farrell	Hoey	Nevins	Stratton
Brooks	Ferguson	Holmes	Newton	Surpless
Brough	Feth	Hooper	Northrup	Todd
Brown	Filley	Hubbs	Norton	Volk
Buckley	Foley C F	Hurd	O'Brian	Voss
Burhyte	Foley J A	Huth	Oliver	Waddell
Burns	Fowler	Jackson	Parker	Wagner
Cavanaugh	Francis	Jacobs	Patton	Wainwright
Chamberlain	Frisbie	Lansing	Phillips	Waters
Cole	Ganly	Lee	Prentice	Weber
Collins	Garbe	Lewis	Ralston	Weimert
Colné	Geoghagan	Loos	Reece	Wells
Conklin	Glore	Lowe	Robinson	West
Conrady	Glynn	Lupton	Rogers	Whitley
Croak	Goldberg	Maher	Schmidt	Whitney F G
Cunningham	Gray	Mallon	Schoeneck	Whitney G H
Cuvillier	Green	Mance	Schulz	Winters
De Groot	Gunderman	Marlatt	Schwegler	Wood
Dominy	Hackett	Matthews	Sheridan	Yale
Donnelly	Haines	Mead	Shuttleworth	Young
Dowling	Hamilton	Merritt		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Prentice gives notice that he requests that the Senate bill introduced by Mr. Page (No. 1843, Rec. No. 506) entitled "An act to regulate procedure and to provide for cost and expense in any proceeding for a judicial recount and recanvass of the votes cast for the office of mayor at the election of the seventh of November, nineteen hundred and five, in cities of the first class, in which the ballots have been preserved," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Speaker, from the committee on rules, to which was referred Senate bill introduced by Mr. Page (No. 1843, Rec. No. 506), entitled "An act to regulate procedure and to provide for cost and expense in any proceeding for a judicial recount and recanvass of the votes cast for the office of mayor at the election of the seventh of November, nineteen hundred and five, in cities of the first class, in which the ballots have been preserved," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bill ordered made special order on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker announced the special order, being the Senate bill (No. 1843) entitled "An act to regulate procedure and to provide for cost and expense in any proceeding for a judicial recount and recanvass of the votes cast for the office of mayor at the election of the seventh of November, nineteen hundred and five, in cities of the first class, in which the ballots have been preserved." (Rec. No. 506.)

Said bill having been announced for second reading, Mr. Cuvillier moved to amend as follows:

On page 2, line 17, strike out after the word "effect" the semicolon and insert a period.

On page 2, line 17, strike out the words "provide, and how".

On page 2, strike out the words on lines 18, 19 and 20, and the following words on line 21, "to have been preserved".

On page 2, line 21, strike out the period and the following words: "in any election district in which the ballots shall have been found by the court not to have been preserved" and insert the following words: "the tally sheets of each election district in which the ballots have not been preserved shall be presumptive evidence as to the number of ballots cast in said election district".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

On motion of Mr. Prentice, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

To the Legislature:

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1183, printed No. 1843), entitled "An act to regulate procedure for cost and expense in any proceeding for a judicial recount and recanvass of the votes cast for the office of mayor at the election of the seventh of November, 1905, in cities of the first class, in which the ballots have been preserved."

Given under my hand and the privy seal of the State at the Capitol in the city of Albany this eleventh day of June, in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER,

Secretary to the Governor.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the mem-

bers elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 13

Those who voted in the affirmative, were:

Allen	Dudley	Harper	Nevins	Smith Myron
Averill	Ferguson	Harris	Newton	Stanton
Blue	Filley	Hoey	O'Brian	Stern
Bohan	Flanagan	Holmes	Oliver	Stevenson
Brooks	Foley C F	Hurd	Parker	Stratton
Brown	Foley J A	Jackson	Patton	Surplless
Burhyte	Francis	Lansing	Phillips	Voss
Burns	Garbe	Lee	Prentice	Wagner
Cavanaugh	Glynn	Lupton	Ralston	Wainwright
Cole	Goldberg	Maher	Reece	Walters
Collins	Gray	Mallon	Robinson	Waters
Colné	Green	Marlatt	Rogers	Weber
Conklin	Gunderman	Matthews	Schmidt	Weimert
Conrady	Hackett	Merritt	Shuttleworth	Whitley
Cunningham	Hamilton	Miller	Sinclair	Whitney F G
De Groot	Hamn	Moreland	Smith A E	Whitney G H
Dominy	Harawitz	Morgan	Smith C	Winters

Those who voted in the negative were:

Baumann	Donnelly	Fay	Keller	McCue
Cuvillier	Eagleton	Feth	Loos	Schwegler
Dobbs	Farrell	Geoghagan		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

By unanimous consent, Mr. Wainwright offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on rules be discharged from the further consideration of the bill (No. 1842, Rec. No. 505) entitled "An act to amend chapter five hundred and eighteen of the Laws of eighteen hundred and sixty-seven, entitled 'An act to amend an act entitled "An act to incorporate the village of White Plans,"' passed April third, eighteen hundred and sixty-six, in relation to the powers and duties of village trustees, et cetera."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Said bill having been announced,

On motion of Mr. Wainwright, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1181, printed No. 1842) entitled "An act to amend chapter five hundred and eighteen of the Laws of eighteen hundred and sixty-seven, entitled 'An act to amend an act entitled "An act to incorporate the village of White Plains,"' passed April third, eighteen hundred and sixty-six, in relation to the powers and duties of village trustees, et cetera."

Given under my hand and the privy seal of the State at the Capitol in the city of Albany this eleventh day of June, in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Apgar	Draper	Hammond	Miller	Sinclair
Averill	Dudley	Hamn	Mills	Smith A E
Baldwin	Duell	Harper	Mooney	Smith C
Baumann	Eagleton	Harris	Moreland	Smith Myron
Blue	Eggleston	Hart	Morgan	Stern
Boshart	Eichhorn	Hoey	Murphy G W	Stevenson
Brady	Farrell	Holmes	Nevins	Stratton
Brooks	Ferguson	Hooper	Newton	Surpless
Brough	Feth	Hubbs	Northrup	Todd
Brown	Filley	Hurd	Norton	Volk
Buckley	Foley C F	Huth	O'Brian	Voss
Burhyte	Foley J A	Jackson	Oliver	Waddell
Burns	Fowler	Jacobs	Parker	Wagner
Cavanaugh	Francis	Lansing	Patton	Wainwright

Chamberlain	Frisbie	Lee	Phillips	Waters
Cole	Ganly	Lewis	Prentice	Weber
Collins	Garbe	Loos	Ralston	Weimert
Colne	Geoghagan	Lowe	Reece	Wells
Conklin	Glore	Lupton	Robinson	West
Conrady	Glynn	Maher	Rogers	Whitley
Croak	Goldberg	Mallon	Schmidt	Whitney F G
Cunningham	Gray	Mance	Schoeneck	Whitney G H
Cuvillier	Green	Marlatt	Schulz	Winters
De Groot	Gunderman	Matthews	Schwegler	Wood
Dominy	Hackett	Mead	Sheridan	Yale
Donnelly	Haines	Merritt	Shuttleworth	Young
Dowling	Hamilton			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. C. F. Foley moved to reconsider the vote by which Senate bill (No. 1173, Rec. No. 310) entitled "An act to amend the Civil Service Law, relative to examinations," was passed.

Debate was had thereon.

Mr. Hammond moved the previous question.

Mr. Speaker put the question "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 94

NOES 00

Those who voted in the affirmative were:

Allen	Dominy	Goldberg	Marlatt	Schwegler
Baumann	Donnelly	Gray	Matthews	Shuttleworth
Bohan	Dowling	Green	McCue	Sinclair
Boshart	Draper	Gunderman	Mead	Smith A E
Brooks	Dudley	Hackett	Merritt	Smith C
Brough	Eagleton	Hamilton	Miller	Smith Myron
Brown	Farrell	Hammond	Mooney	Staley
Buckley	Fay	Harawitz	Morgan	Stanton
Burhyte	Ferguson	Harper	Murphy C F	Stratton
Burns	Feth	Harris	Nevins	Surpless
Cavanaugh	Filley	Hoey	Newton	Todd
Cole	Flanagan	Holmes	Northrup	Voss
Collins	Foley C F	Hurd	Oliver	Wagner
Conklin	Foley J A	Jackson	Parker	Weber
Conrady	Francis	Keller	Patton	Whitley
Cunningham	Ganly	Lansing	Phillips	Whitney F G
Cuvillier	Garbe	Loos	Robinson	Whitney G H
De Groot	Geoghagan	Lowe	Schmidt	Young
Dobbs	Glynn	Maher	Schoeneck	

On motion of Mr. C. F. Foley, and by unanimous consent, said bill was made a special order on third reading for Friday next, immediately after the reading of the journal.

The Senate returned the Assembly bill (No. 2499, Senate reprint No. 1781, Int. No. 1443) entitled "An act to amend section three hundred and eighty-two of the Penal Code, relative to frauds on hotel-keepers," with a message that they have concurred in the passage of the same, with the following amendment:

On page 2, line 8, after "misdemeanor" strike out all down to and including the word "non-payment", line 21.

Mr. Prentice moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to the final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Apgar	Draper	Hammond	Miller	Sinclair
Averill	Dudley	Hamn	Mills	Smith A E
Baldwin	Duell	Harper	Mooney	Smith C
Baumann	Eagleton	Harris	Moreland	Smith Myron
Blue	Eggleston	Hart	Morgan	Stern
Boshart	Eichhorn	Hoey	Murphy G W	Stevenson
Brady	Farrell	Holmes	Nevins	Stratton
Brooks	Ferguson	Hooper	Newton	Surpless
Brough	Feth	Hubbs	Northrup	Todd
Brown	Filley	Hurd	Norton	Volk
Buckley	Foley C F	Huth	O'Brian	Voss
Burhyte	Foley J A	Jackson	Oliver	Waddell
Burns	Fowler	Jacobs	Parker	Wagner
Cavanaugh	Francis	Lansing	Patton	Wainwright
Chamberlain	Frisbie	Lee	Phillips	Waters
Cole	Ganly	Lewis	Prentice	Weber
Collins	Garbe	Loos	Ralston	Weimert
Colne	Geoghagan	Lowe	Reece	Wells
Conklin	Glore	Lupton	Robinson	West
Conrady	Glynn	Maher	Rogers	Whitley
Croak	Goldberg	Mallon	Schmidt	Whitney F G
Cunningham	Gray	Mance	Schoeneck	Whitney G H
Cuvillier	Green	Marlatt	Schulz	Winters
De Groot	Gunderman	Matthews	Schwegler	Wood
Dominy	Hackett	Mead	Sheridan	Yale
Donnelly	Haines	Merritt	Shuttleworth	Young
Dowling	Hamilton			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the Assembly bill (No. 2089, Senate reprint No. 1691, Int. No. 1048) entitled "An act to amend the Tax Law, in relation to exemption of cemetery property," with a message that they have concurred in the passage of the same, with the following amendments:

On page 1, line 10, after word "of" insert "municipal" and also after "of" enclose in brackets the word "such".

Mr. Whitley moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof; and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Apgar	Draper	Hamilton	Merritt	Shuttleworth
Averill	Dudley	Hammond	Miller	Sinclair
Baldwin	Duell	Hamn	Mills	Smith A E
Baumann	Eagleton	Harper	Mooney	Smith C
Blue	Eggleston	Harris	Moreland	Smith Myron
Boshart	Eichhorn	Hart	Morgan	Stern
Brady	Farrell	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Foley C F	Hurd	Norton	Volk
Burhyte	Foley J A	Huth	O'Brian	Voss
Burns	Fowler	Jackson	Oliver	Waddell
Cavanaugh	Francis	Jacobs	Parker	Wagner
Chamberlain	Frisbie	Lansing	Patton	Wainwright
Cole	Ganly	Lee	Phillips	Waters
Collins	Garbe	Lewis	Prentice	Weber
Colne	Geoghagan	Loos	Ralston	Weimert
Conklin	Glore	Lowe	Reece	Wells
Conrad	Glynn	Lupton	Robinson	Whitley
Croak	Goldberg	Maher	Rogers	Whitney F G
Cunningham	Gray	Mallon	Schmidt	Whitney G H
Cuvillier	Green	Mance	Schoeneck	Winters
De Groot	Gunderman	Marlatt	Schulz	Wood
Dominy	Hackett	Matthews	Schwegler	Yale
Donnelly	Haines	Mead	Sheridan	Young
Dowling				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate returned the Assembly bill (No. 1959, Senate reprint No. 1694, Int. No. 316) entitled "An act to amend the Penal Code, in relation to selling merchandise in bulk," with a message that they have concurred in the passage of the same, with the following amendment:

On page 1, line 6, after "knowingly" insert "and with intent to deceive".

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Apgar	Draper	Hamilton	Merritt	Shuttleworth
Averill	Dudley	Hammond	Miller	Sinclair
Baldwin	Duell	Hamn	Mills	Smith A E
Baumann	Eagleton	Harper	Mooney	Smith C
Blue	Eggleston	Harris	Moreland	Smith Myron
Boshart	Eichhorn	Hart	Morgan	Stern
Brady	Farrell	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Foley C F	Hurd	Norton	Volk
Burhyte	Foley J A	Huth	O'Brian	Voss
Burns	Fowler	Jackson	Oliver	Waddell
Cavanaugh	Francis	Jacobs	Parker	Wagner
Chamberlain	Frisbie	Lansing	Patton	Wainwright
Cole	Ganly	Lee	Phillips	Waters
Collins	Garbe	Lewis	Prentice	Weber
Colné	Geoghagan	Loos	Ralston	Weimert
Conklin	Glore	Lowe	Reece	Wells
Conrad	Glynn	Lupton	Robinson	Whitley
Croak	Goldberg	Maher	Rogers	Whitney F G
Cunningham	Gray	Mallon	Schmidt	Whitney G H
Cuvillier	Green	Mance	Schoeneck	Winters
De Groot	Gunderman	Marlatt	Schulz	Wood
Dominy	Hackett	Matthews	Schwegler	Yale
Donnelly	Haines	Mead	Sheridan	Young
Dowling				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

Mr. Mallon offered for the consideration of the House a resolution, in the words following:

Whereas, The city of Buffalo contemplates the holding of an Old Home Week Carnival in the month of September of this year, to be conducted on lines which will bring prominently before the people of the nation not only the beauty, advancement and advantages of the city of Buffalo, but of the development of the entire State of New York as well; and

Whereas, In connection with this carnival the monument, which the State of New York and the city of Buffalo has erected to honor the memory of the late President of the United States, the esteemed and lamented William McKinley, is to be unveiled and dedicated in the presence, it is expected, of the President of the United States, Theodore Roosevelt, former President Grover Cleveland and His Excellency, Charles E. Hughes, Governor of New York; therefore, be it

Resolved (if the Senate concur), That the Legislature of the State of New York commends the city of Buffalo upon its enterprise and extends to the Queen City of the Lakes its well wishes for the success of the dedication and carnival, with assurances that the individual members of this body will be pleased to attend the dedication ceremonies.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Cuvillier offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That the Legislature take a recess until the thirty-first day of December, nineteen hundred and seven, at two o'clock, p. m.

Mr. Hammond moved to refer said resolution to the committee on rules.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Nevins offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2330, Int. No. 1687) entitled "An act to amend chapter one hundred and sixty-seven of the Laws of nineteen hundred and six, entitled 'An act to make the office of county clerk of Wyoming county a salaried office, and regulating the management of said office,' generally," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Wagner offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Senate, requesting the return to the Assembly of Senate bill (No. 795, Rec. No. 499) entitled "An act to amend chapter three hundred and thirty-four of the Laws of nineteen hundred and one, entitled 'An act in relation to tenement houses in cities of the first class,' relative to bakeries," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 13, 1907.*

Resolved (if the Assembly concur), That Senate bill (No. 1558, Rec. No. 414) entitled "An act to amend chapter one hundred and forty-seven of the Laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' as amended by chapter seven hundred and forty of the Laws of nineteen hundred and five, relative to the route of the improved Erie canal," be returned to the Governor.

By order of the Senate,

LAFAYETTE B. GLEASON,

Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the Senate bill (No. 1832, Assembly reprint No. 2892, Rec. No. 500) entitled "An act to organize the Senate districts, and for the apportionment of the members of Assembly of this State," with a message that they have accepted the report of the committee of conference thereon and request a further committee of conference.

On motion of Mr. Moreland, the report of the committee of conference was accepted, and the request for a further committee of conference agreed to.

Mr. Speaker appointed Messrs. Mead, Merritt, Schoeneck, Prentice and Burns as such committee on behalf of the Assembly.

The Senate returned the concurrent resolution in relation to claims of the State for monies paid by the State upon certificates of expenses of the war of 1812, with a message that they have concurred in the passage of the same without amendment.

The Senate returned the concurrent resolution in relation to final adjournment, with a message that they have concurred in the passage of the same amended to read as follows:

Resolved (if the Senate concur), That the Legislature adjourn without date on Friday, June 14, 1907, at 2 o'clock p. m.

Mr. Moreland moved to nonconcur in the Senate amendment and request the appointment of a committee of conference thereon.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have nonconcurred in the amendment of the Senate thereto, and request the appointment of a committee of conference thereon.

The Senate returned the bill (No. 2916, Int. No. 1587) en-

titled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations," with a message that they have agreed to the report of the committee on conference thereon and concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the Assembly bill (No. 2557, Senate reprint No. 1674, Int. No. 765) entitled "An act to amend the Penal Code, relative to the destruction of dangerous weapons."

Also, Assembly bill (No. 2735, Senate reprint No. 1823, Int. No. 1077) entitled "An act conferring jurisdiction upon the Court of Claims to rehear and determine the alleged claim of Michael C. Murphy against the State, for damages alleged to have been sustained by him, and to render judgment therefor."

Also, Assembly bill (No. 2628, Senate reprint No. 1824, Int. No. 1837) entitled "An act to amend the Lien Law, in relation to filing of assignments of contracts for public improvements, and moneys due and to become due thereon."

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the bill (No. 2683, Int. No. 1859) entitled "An act to validate the tax roll and levy of the village of Pine Hill, county of Ulster, for the year nineteen hundred and seven."

Also, the bill (No. 1718, Int. No. 1360) entitled "An act to amend the Code of Civil Procedure, in relation to an executor's accounting in Surrogate's Court."

Also, the bill (No. 1620, Int. No. 1311) entitled "An act to fix and establish the annual salary of the surrogate of Kings county, and repealing section two hundred and twenty-two of chapter six hundred and eighty-six of the Laws of eighteen hundred and ninety-two, in so far as it relates to Kings county."

Also, the bill (No. 1626, Int. No. 1314) entitled "An act to amend the Tax Law, in relation to refund of tax paid upon illegal, erroneous or unequal assessments."

Also, the bill (No. 1996, Int. No. 950) entitled "An act to amend the Tax Law, in relation to exemptions of real estate

owned by a free public library in villages of the third and fourth classes," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the bill (No. 2893, Int. No. 1823) entitled "An act to amend the Code of Civil Procedure, in relation to Richmond county," with a message that they have reconsidered their vote by which said bill passed, and, as amended, have again passed the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the bill (No. 2297, reprint No. 2897, Int. No. 1672) entitled "An act authorizing the city of Lockport to issue bonds, for the purpose of acquiring real property for a site for a public market and constructing the same," with a message that they have reconsidered their vote by which said bill passed, and, as amended, have again passed the same.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Lockport.

The Senate returned the Assembly bill (No. 2692, Senate reprint No. 1825, Int. No. 954) entitled "An act to amend the Greater New York charter, relative to the police pension fund."

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

The Senate returned the Assembly bill (No. 2313, Senate reprint No. 1813, Int. No. 1519) entitled "An act to provide for the government and to supplement the provisions of law relating to the city of Schenectady."

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Schenectady.

The Senate returned the bill (No. 2907, Int. No. 1976) entitled "An act to legalize certain acts of the mayor and common council of the city of Kingston, in relation to grading certain streets and constructing sewers therein and validating the acts of the common council and assessor in letting contracts, and for levying assessments and collecting taxes for such improvements," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Kingston.

The Senate returned the bill (No. 2522, Int. No. 1431) entitled "An act to authorize the city of New Rochelle to borrow money by the issue of bonds for the purpose of meeting deficiencies in the funds of said city," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New Rochelle.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2330, Int. No. 1687) entitled "An act to amend chapter one hundred and sixty-seven of the Laws of nineteen hundred and six, entitled 'An act to make the office of county clerk of Wyoming county a salaried office, and regulating the management of said office,' generally," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned Senate bill (No. 1832, Assembly reprint No. 2892, Rec. No. 500) entitled "An act to organize the Senate districts, and for the apportionment of the members of Assembly of this State," with a message that the President has appointed Messrs. Tully, Smith, Cobb, Cassidy and McCarren as such committee on the part of the Senate.

Ordered, That the Clerk return said bill to the Senate.

A communication was received from Hon. Charles D. Robinson, mayor of the city of Newburgh, returning Assembly bill (No. 2611, Int. No. 1824) entitled "An act to amend chapter two hundred and three of the Laws of nineteen hundred and seven, entitled 'An act to revise and amend the charter of the city of Newburgh, being chapter five hundred and forty-one of the Laws of eighteen hundred and sixty-five, and the several acts amendatory thereof and supplemental thereto,' generally," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2639, Senate reprint No. 1795, Int. No. 1054) entitled "An act to amend the Greater New York charter, and the Municipal Court Act of the city of New York, by providing for a reorganization of the Municipal Court of the city of New York, and for changes in the constitution and in the powers of said court and in the practice therein; and assistant clerks and to regulate the salaries of the justices thereof," with a message that said mayor, after a public hearing thereon, does approve said bill and accepts the same.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Moreland, the House adjourned.

FRIDAY, JUNE 14, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Heisler.

On motion of Mr. Moreland, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. Ralston gives notice that he requests that Assembly bill (No. 2899, Int. No. 1972) entitled "An act to amend chapter five hundred and sixty-eight of the Laws of eighteen hundred and ninety, entitled 'An act in relation to highways, constituting chapter nineteen of the general laws,'" a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Gray gives notice that he requests that Assembly bill (No. 2904, Int. No. 1974) entitled "An act to legalize and confirm the acts and proceedings of the trustees and voters of union free school district number one, town of Hammond, Saint Lawrence county, New York, relative to certain tax and issue and sale of certain bonds of said district," a copy of which is hereto annexed, be made a special order, and asks that his request be

referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Shuttleworth gives notice that he requests that Assembly bill (No. 2898, Int. No. 1971) entitled "An act to amend chapter one hundred and fifteen of the Laws of eighteen hundred and ninety-eight, entitled 'An act to provide for the improvement of the public highways,' as amended by chapter four hundred and sixty-eight of the Laws of nineteen hundred and six," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. G. H. Whitney gives notice that he requests that Assembly bill (No. 1290, Int. No. 613) entitled "An act making an appropriation for the deepening, cleaning and repairing the outlet of Round lake, Saratoga county, for the better preservation of the public health and to prevent its waters from becoming contaminated and unhealthy," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on third reading.

Mr. Patton gives notice that he requests that the Senate bill (No. 1468, Rec. No. 441) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section twenty-seven of article three of the Constitution in relation to the powers of the boards of supervisors, and county auditors, or other fiscal officers," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. O'Brian gives notice that he requests that Senate bill (No. 1805, Rec. No. 489) entitled "An act to amend the Insurance Law, in relation to the power of the Superintendent of Insurance to authorize the use of additional forms of policies to be issued and delivered by domestic life insurance companies within this State," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee

on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Moreland gives notice that he requests that the Senate bill (No. 1520, Rec. No. 454) entitled "An act to amend chapter six hundred and eighty-nine of the Laws of eighteen hundred and ninety-two, entitled 'An act in relation to banking corporations,' a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

The Senate sent for concurrence the following entitled bills:

"An act to amend chapter three hundred and ninety-four of the Laws of nineteen hundred and four, entitled 'An act to create and establish the office of commissioner of elections in the county of Erie and prescribing his duties,' relating to the commissioner of elections" (No. 1835, Rec. No. 507), which was read the first time and referred to the committee on internal affairs.

"An act to authorize the justices of the Appellate Division of the Supreme Court in the second judicial department to appoint two confidential clerks, and to provide for their compensation" (No. 1327, Rec. No. 508), which was read the first time and referred to the committee on ways and means.

"An act to authorize the city of Cohoes to borrow money for the construction of a bridge over the first branch of the Mohawk river at Ontario street in said city" (No. 1840, Rec. No. 509), which was read the first time.

On motion of Mr. Mead, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Mead, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Apgar	Draper	Haines	Matthews	Schulz
Averill	Dudley	Hamilton	Mead	Sheridan
Baldwin	Duell	Hammond	Merritt	Shuttleworth
Baumann	Eggleston	Hamn	Mills	Sinclair
Blue	Eichhorn	Harper	Moreland	Smith C
Boshart	Farrell	Harris	Morgan	Smith Myron
Brady	Ferguson	Hart	Murphy C F	Staley
Brown	Feth	Hoey	Murphy G W	Stratton
Buckley	Filley	Holmes	Nevins	Surpless
Burhyte	Foley C F	Hooper	Newton	Volk
Burns	Fowler	Hubbs	Norton	Voss
Cavanaugh	Francis	Hurd	O'Brian	Waddell
Chamberlain	Frisbie	Jacobs	Oliver	Wagner
Cole	Ganly	Keller	Parker	Walters
Colne	Garbe	Lansing	Patton	Waters
Conklin	Glore	Lewis	Phillips	Weimert
Conrady	Gluck	Lowe	Prince	West
Cunningham	Glynn	Lupton	Ralston	Whitley
De Groot	Goldberg	Maher	Reece	Whitney F G
Dominy	Gray	Mallon	Rogers	Whitney G H
Donnelly	Green	Mance	Schmidt	Winters
Dowling	Gunderman	Marlatt	Schoeneck	Yale

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend chapter nine of the general laws, known as the Executive Law, to provide for the filing by notaries public in the offices of registers of the several counties, of their signatures and certificates of their appointment" (No. 1850, Rec. No. 510), which was read the first time and referred to the committee on the judiciary.

By unanimous consent, Mr. Baldwin introduced a bill entitled "An act authorizing the Marcellus and Otisco Railway Company to use locomotive steam power as a motive power" (Int. No. 1981), which was read the first time and referred to the committee on railroads.

By unanimous consent, Mr. Baldwin introduced a bill entitled "An act authorizing the Newark and Marion Railway Company to use locomotive steam power as a motive power" (Int. No. 1982), which was read the first time and referred to the committee on railroads.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Gray (No. 2904, Int. No. 1974), entitled "An act to legalize and confirm the acts and proceedings of the trustees and voters of union free school district number one, town of Hammond, Saint Lawrence county, New York, relative to certain tax and issue and sale of certain bonds of said district."

Also, Assembly bill introduced by Mr. Ralston (No. 2899, Int. No. 1972), entitled "An act to amend chapter five hundred and sixty of the Laws of eighteen hundred and ninety, entitled 'An act in relation to highways, constituting chapter nineteen of the general laws.'"

Also, Assembly bill introduced by Mr. Shuttleworth (No. 2898, Int. No. 1971), entitled "An act to amend chapter one hundred and fifteen of the Laws of eighteen hundred and ninety-eight, entitled 'An act to provide for the improvement of the public highways,' as amended by chapter four hundred and sixty-eight of the Laws of nineteen hundred and six," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. G. H. Whitney (No. 1290, Int. No. 613), entitled "An act making an appropriation for the deepening, cleaning and repairing the outlet of Round lake, Saratoga county, for the better preservation of the public health and to prevent its waters from becoming contaminated and unhealthy," reported in favor of the passage of the same without amendment, and that the same be made a special order on third reading immediately, which report was agreed to, and said bill ordered made special order on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred Senate bill introduced by Mr. Davis (No. 1805, Rec. No. 489), entitled "An act to amend the Insurance Law, in relation

to the power of the Superintendent of Insurance to authorize the use of additional forms of policies to be issued and delivered by domestic life insurance companies within this State."

Also, Senate bill introduced by Mr. Hill (No. 1468, Rec. No. 441), entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section twenty-seven of article three of the Constitution, in relation to the powers of the boards of supervisors, and county auditors, or other fiscal officers."

Also, Senate bill introduced by Mr. Taylor (No. 1520, Rec. No. 454), entitled "An act to amend chapter six hundred and eighty-nine of the Laws of eighteen hundred and ninety-two, entitled 'An act in relation to banking corporations,'" reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. West, from the committee on printed and engrossed bills, reported the following bills as correctly printed or engrossed:

"An act to widen and improve a certain street in the city of New York, being partly in the counties of Kings and Queens." (No. 2870, Int. No. 1962.)

"An act to legalize and confirm the acts and proceedings of the trustees and voters of union free school district number one, town of Hammond, Saint Lawrence county, New York, relative to certain tax and issue and sale of certain bonds of said district." (No. 2904, Int. No. 1974.)

A message from the Governor, by the hand of his secretary, was received and read, in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 13, 1907.

To the Assembly:

I return herewith, without my approval, Assembly bill (No. 2197) entitled "An act to amend chapter one hundred and ninety

of the Laws of eighteen hundred and seventy-eight, entitled 'An act to protect the Seaside boulevard and meadows adjacent thereto on the south shore of Staten island, and to prevent the same from being injured or overflowed by the waters of the bay of New York,' in relation to the removal of sand, earth or clay."

The present law prohibits the removal of sand, earth or clay from the beach on the south shore of Staten island opposite or contiguous to the Seaside boulevard described. This bill qualifies the prohibition by inserting the words "above low-water mark." If the purpose of this change is to enable owners of land under water to remove sand, earth or clay from places within the limits of their own grants, the bill should so state. I cannot approve it in its present form.

CHARLES E. HUGHES.

On motion of Mr. Croak, said message, together with said bill, was ordered laid upon the table.

Mr. Speaker announced the special order, being the Senate bill (No. 1776) entitled "An act to amend chapter nine hundred and nine of the Laws of eighteen hundred and ninety-six, in relation to the elections, constituting chapter six of the general laws, with relation to the appointment and removal of election officers in cities." (Rec. No. 478.)

On motion of Mr. Robinson, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Appar	Dudley	Hamilton	Mead	Sheridan
Averill	Duell	Hammond	Merritt	Shuttleworth
Baldwin	Eggleston	Hamn	Mills	Sinclair
Baumann	Eichhorn	Harper	Moreland	Smith C
Blue	Farrell	Harris	Morgan	Smith Myron
Boshart	Ferguson	Hart	Murphy C F	Staley
Brady	Feth	Hoey	Murphy G W	Stevenson

Brown	Filley	Holmes	Nevins	Stratton
Buckley	Foley C F	Hooper	Newton	Surpless
Burhyte	Fowler	Hubbs	Norton	Volk
Burns	Francis	Hurd	O'Brian	Voss
Cavanaugh	Frisbie	Jacobs	Oliver	Waddell
Chamberlain	Ganly	Keller	Parker	Wagner
Cole	Garbe	Lansing	Patton	Walters
Colné	Glore	Lewis	Phillips	Waters
Conklin	Gluck	Lowe	Prince	Weimert
Conrady	Glynn	Lupton	Ralston	West
Cunningham	Goldberg	Maher	Reece	Whitley
De Groot	Gray	Mallon	Rogers	Whitney F G
Dominy	Green	Mance	Schmidt	Whitney G H
Donnelly	Gunderman	Marlatt	Schoeneck	Winters
Dowling	Haines	Matthews	Schulz	Yale
Draper				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1173) entitled "An act to amend the Civil Service Law, relative to examinations." (Rec. No. 310.)

Said bill having been announced for second reading, Mr. Stratton moved to amend as follows:

On page 2, lines 3 and 5, strike out the brackets.

On motion of Mr. C. F. Foley, and by unanimous consent, said bill with amendment pending was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 1805) entitled "An act to amend the Insurance Law, in relation to the power of the Superintendent of Insurance to authorize the use of additional forms of policies to be issued and delivered by domestic life insurance companies within this State." (Rec. No. 489.)

Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 1468) entitled "Concurrent resolution of the Senate and Assembly, proposing an amendment to section twenty-seven of article three of the Constitution, in relation to the powers of

the boards of supervisors, and county auditors, or other fiscal officers." (Rec. No. 441.)

On motion of Mr. Patton, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Apgar	Dudley	Hamilton	Mead	Sheridan
Averill	Duell	Hammond	Merritt	Shuttleworth
Baldwin	Eggleston	Hamn	Mills	Sinclair
Baumann	Eichhorn	Harper	Moreland	Smith C
Blue	Farrell	Harris	Morgan	Smith Myron
Boshart	Ferguson	Hart	Murphy C F	Staley
Brady	Feth	Hoey	Murphy G W	Stevenson
Brown	Filley	Holmes	Nevins	Stratton
Buckley	Foley C F	Hooper	Newton	Surpless
Burhyte	Fowler	Hubbs	Norton	Volk
Burns	Francis	Hurd	O'Brian	Voss
Cavanaugh	Frisbie	Jacobs	Oliver	Waddell
Chamberlain	Ganly	Keller	Parker	Wagner
Cole	Garbe	Lansing	Patton	Walters
Colné	Glore	Lewis	Phillips	Waters
Conklin	Gluck	Lowe	Prince	Weimert
Conrady	Glynn	Lupton	Ralston	West
Cunningham	Goldberg	Maher	Reece	Whitley
De Groot	Gray	Mallon	Rogers	Whitney F G
Dominy	Green	Mance	Schmidt	Whitney G H
Donnelly	Gunderman	Marlatt	Schoeneck	Winters
Dowling	Haines	Matthews	Schulz	Yale
Draper				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1520) entitled "An act to amend chapter six hundred and eighty-nine of the Laws of eighteen hundred and ninety-two, entitled 'An act in relation to banking corporations.'" (Rec. No. 454.)

On motion of Mr. Wainwright, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

- Those who voted in the affirmative were:

Apgar	Dudley	Hamilton	Mead	Sheridan
Averill	Duell	Hammond	Merritt	Shuttleworth
Baldwin	Eggleston	Hamn	Mills	Sinclair
Baumann	Eichhorn	Harper	Moreland	Smith C
Blue	Farrell	Harris	Morgan	Smith Myron
Boshart	Ferguson	Hart	Murphy C F	Staley
Brady	Feth	Hoey	Murphy G W	Stevenson
Brown	Filley	Holmes	Nevins	Stratton
Buckley	Foley C F	Hooper	Newton	Surpless
Burhyte	Fowler	Hubbs	Norton	Volk
Burns	Francis	Hurd	O'Brian	Voss
Cavanaugh	Frisbie	Jacobs	Oliver	Waddell
Chamberlain	Ganly	Keller	Parker	Wagner
Cole	Garbe	Lansing	Patton	Walters
Colne	Glore	Lewis	Phillips	Waters
Conklin	Gluck	Lowe	Prince	Weimert
Conrady	Glynn	Lupton	Ralston	West
Cunningham	Goldberg	Maher	Reece	Whitley
De Groot	Gray	Mallon	Rogers	Whitney F G
Dominy	Green	Mance	Schmidt	Whitney G H
Donnelly	Gunderman	Marlatt]	Schoeneck	Winters
Dowling	Haines	Matthews	Schulz	Yale
Draper				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the bill (No. 2898) entitled "An act to amend chapter one hundred and fifteen of the Laws of eighteen hundred and ninety-eight, entitled 'An act to provide for the improvement of the public highways,' as amended by chapter four hundred and sixty-eight of the Laws of nineteen hundred and six." (Int. No. 1971.)

Said bill having been announced for a second reading,

On motion of Mr. Moreland, and by unanimous consent, said

bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2899) entitled "An act to amend chapter five hundred and sixty-eight of the Laws of eighteen hundred and ninety, entitled 'An act in relation to highways, constituting chapter nineteen of the general laws.'" (Int. No. 1972.)

Said bill having been announced for a second reading,

On motion of Mr. Merritt, and by unanimous consent, said bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2904) entitled "An act to legalize and confirm the acts and proceedings of the trustees and voters of union free school district number one, town of Hammond, Saint Lawrence county, New York, relative to certain tax and issue and sale of certain bonds of said district." (Int. No. 1974.)

On motion of Mr. Gray, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

To the Legislature:

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 1974, printed No. 2904) entitled "An act to legalize and confirm the acts and proceedings of the trustees and voters of union free school district No. 2, town of Hammond, Saint Lawrence county, New York, relative to certain tax and issue and sale of certain bond of said district.

Given under my hand and the privy seal of the State at the Capitol in the city of Albany, this thirteenth day of June in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER,

Secretary to the Governor.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Apgar	Draper	Haines	Matthews	Schulz
Averill	Dudley	Hamilton	Mead	Sheridan
Baldwin	Duell	Hammond	Merritt	Shuttleworth
Baumann	Eggleston	Hamn	Mills	Sinclair
Blue	Eichhorn	Harper	Moreland	Smith C
Boshart	Farrell	Harris	Morgan	Smith Myron
Brady	Ferguson	Hart	Murphy C F	Staley
Brown	Feth	Hoey	Murphy G W	Stratton
Buckley	Filley	Holmes	Nevins	Surpless
Burhyte	Foley C F	Hooper	Newton	Volk
Burns	Fowler	Hubbs	Norton	Voss
Cavanaugh	Francis	Hurd	O'Brian	Waddell
Chamberlain	Frisbie	Jacobs	Oliver	Wagner
Cole	Ganly	Keller	Parker	Walters
Colne	Garbe	Lansing	Patton	Waters
Conklin	Glore	Lewis	Phillips	Weimert
Conrady	Gluck	Lowe	Prince	West
Cunningham	Glynn	Lupton	Ralston	Whitley
De Groot	Goldberg	Maher	Reece	Whitney F G
Dominy	Gray	Mallon	Rogers	Whitney G H
Donnelly	Green	Mance	Schmidt	Winters
Dowling	Gunderman	Marlatt	Schoeneck	Yale

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1290) entitled "An act making an appropriation for the deepening, cleaning and repairing the outlet of Round lake, Saratoga county, for the better preservation of the public health and to prevent its waters from becoming contaminated and unhealthy." (Int. No. 613.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Apgar	Draper	Haines	Matthews	Schulz
Averill	Dudley	Hamilton	Mead	Sheridan
Baldwin	Duell	Hammond	Merritt	Shuttleworth
Baumann	Eggleston	Hamm	Mills	Sinclair
Blue	Eichorn	Harper	Moreland	Smith C
Boshart	Farrell	Harris	Morgan	Smith Myron
Brady	Ferguson	Hart	Murphy C F	Staley
Brown	Feth	Hoey	Murphy G W	Stratton
Buckley	Filley	Holmes	Nevins	Surpluss
Burhyte	Foley C F	Hooper	Newton	Volk
Burnett	Fowler	Hubbs	Norton	Voss
Burns	Francis	Hurd	O'Brian	Waddell
Cavanaugh	Frisbie	Jacobs	Oliver	Wagner
Chamberlain	Ganly	Keller	Parker	Walters
Cole	Garbe	Lansing	Patton	Waters
Colné	Glore	Lewis	Phillips	Weimert
Conklin	Gluck	Lowe	Prince	West
Conrady	Glynn	Lupton	Ralston	Whitley
Cunningham	Goldberg	Maher	Reece	Whitney F G
De Groot	Gray	Mallon	Rogers	Whitney G H
Dominy	Green	Mance	Schmidt	Winters
Donnelly	Gunderman	Marlatt	Schoeneck	Yale
Dowling				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

The Senate returned the Assembly bill (No. 2401, Senate reprint No. 1645, Int. No. 1630) entitled "An act to amend the Primary Election Law, generally," with a message that they have concurred in the passage of the same, with the following amendment:

Strike out all after the enacting clause and insert Senate bill No. 1645.

Mr. Prentice moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Apgar	Dudley	Hamilton	Mead	Sheridan
Averill	Duell	Hammond	Merritt	Shuttleworth
Baldwin	Eggleston	Hamn	Mills	Sinclair
Baumann	Eichhorn	Harper	Moreland	Smith C
Blue	Farrell	Harris	Morgan	Smith Myron
Boshart	Ferguson	Hart	Murphy C F	Staley
Brady	Feth	Hoey	Murphy G W	Stevenson
Brown	Filley	Holmes	Nevins	Stratton
Buckley	Foley C F	Hooper	Newton	Surplless
Burhyte	Fowler	Hubbs	Norton	Volk
Burns	Francis	Hurd	O'Brien	Voss
Cavanaugh	Frisbie	Jacobs	Oliver	Waddell
Chamberlain	Ganly	Keller	Parker	Wagner
Cole	Garbe	Lansing	Patton	Walters
Colné	Glore	Lewis	Phillips	Waters
Conklin	Gluck	Lowe	Prince	Weimert
Conrady	Glynn	Lupton	Ralston	West
Cunningham	Goldberg	Maher	Reece	Whitley
De Groot	Gray	Mallon	Rogers	Whitney F G
Dominy	Green	Mance	Schmidt	Whitney G H
Donnelly	Gunderman	Marlatt	Schoeneck	Winters
Dowling	Haines	Matthews	Schulz	Yale
Draper				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the Assembly bill (No. 2552, Senate re-print No. 1789, Int. No. 1465) entitled "An act to amend the Insurance Law, in relation to discriminations in life insurance, and to the privileges and protections to be accorded witnesses in all actions, or proceedings, involving such discriminations," with a message that they have concurred in the passage of the same, with the following amendment:

Strike out all of said bill and insert the following:

AN ACT to amend the insurance law, in relation to discriminations in life insurance, and to the privileges and protections to be accorded witnesses in all actions or proceedings involving such discriminations.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-nine of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, entitled "An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws," as amended by chapter three

hundred and twenty-six of the laws of nineteen hundred and six, is hereby amended to read as follows:

§ 89. Discriminations prohibited.— No life insurance corporation doing business in this state shall make or permit any discrimination [in favor of] between individuals of the same class [or of the same expectation of life, either in the amount of premium charged or in any return of premium, dividends or other advantages. No premium upon any policy of life insurance issued on or after January first, nineteen hundred and seven, shall be charged for term insurance for one year higher in amount than the premium for term insurance for one year at the same age under any other form of policy issued by such corporation.] or of equal expectation of life, in the amount or payment or return of premiums or rates charged for policies of insurance, or in the dividends or other benefits payable thereon, or in any of the terms and conditions of the policy; [No agent of any such corporation shall make any contract for insurance or agreement as to such contract other than that which is plainly expressed in the policy issued.] nor shall any such company permit or agent thereof offer or make any contract of insurance or agreement as to such contract other than as plainly expressed in the policy issued thereon; [No such corporation or agent thereof shall pay or allow, or offer to pay or allow as an inducement to any person to insure any rebate of premium or any special favor or advantage whatever, in the dividends to accrue thereon, or any inducement whatever not specified in the policy.] nor shall any such company or any officer, agent, solicitor or representative thereof pay, allow or give, or offer to pay, allow or give, directly or indirectly, as inducement to any person to insure, or give, sell or purchase as such inducement or in connection with such insurance, any stocks, bonds, or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits accruing thereon, or any valuable consideration or inducement whatever not specified in the policy, nor shall any person knowingly receive as such inducement, any rebate of premium, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any paid employment or contract for services of any kind or valuable consideration or inducement whatever, not specified in the policy. No person shall be excused from attending and testifying or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial for a violation of any of the provisions of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, rendered by him may tend to convict him of a crime or subject him

to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding. No premium upon any policy of life insurance issued on or after January first, nineteen hundred and seven, shall be charged for term insurance for one year, higher in amount than the premium for term insurance for one year at the same age under any other form of policy issued by such corporation.

§ 2. This act shall take effect immediately.

Mr. Whitley moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Apgar	Draper	Haines	Matthews	Sheridan
Averill	Dudley	Hamilton	Mead	Shuttleworth
Baldwin	Duell	Hammond	Merritt	Sinclair
Baumann	Eggleston	Hamn	Mills	Smith C
Blue	Eichhorn	Harper	Moreland	Smith Myron
Boshart	Farrell	Harris	Morgan	Staley
Brady	Ferguson	Hart	Murphy C F	Stevenson
Brown	Feth	Hoey	Murphy G W	Stratton
Buckley	Filley	Holmes	Nevins	Surplless
Burhyte	Foley C F	Hooper	Newton	Volk
Burns	Fowler	Hubbs	Norton	Voss
Cavanaugh	Francis	Hurd	O'Brian	Waddell
Chamberlain	Frisbie	Jacobs	Oliver	Wagner
Cole	Ganly	Keller	Parker	Walters
Colné	Garbe	Lansing	Phillips	Waters
Conklin	Glore	Lewis	Prince	Weimert
Conrady	Gluck	Lowe	Ralston	West
Cunningham	Glynn	Lupton	Reece	Whitley
De Groot	Goldberg	Maher	Rogers	Whitney F G
Dominy	Gray	Mallon	Schmidt	Whitney G H
Donnelly	Green	Mance	Schoeneck	Winters
Dowling	Gunderman	Marlatt	Schulz	Yale

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the Assembly bill (No. 2777, Senate reprint No. 1810, Int. No. 1856) entitled "An act to amend chapter five hundred and sixty-six of the Laws of eighteen hundred and ninety, entitled 'An act in relation to transportation corporations excepting railroad, constituting chapter forty of the general laws,' in relation to town contracts with water corporations," with a message that they have concurred in the passage of the same, with the following amendments:

On page 3, line 26, after "years" strike out the rest of the line.

On page 4, strike out all of line 1 and strike out down to and including the word "years" on line 2.

Same page, line 4, after "district" strike out the period and insert a comma and the following "provided however that when the population of the water supply district does not exceed one thousand inhabitants such contract may be made for a period not longer than ten years."

Mr. Waddell moved to concur in the Senate amendments.

Objection being made to the immediate consideration of said message, Ordered, That said message be referred to the committee on rules.

Mr. Phillips offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2152, Senate reprint No. 1690, Int. No. 1593) entitled "An act to amend the tax law, and providing for the assessment as a special franchise by the state board of tax commissioners of an occupancy of the streets, highways and public places, where such occupancy has not been ratified by grant from public authority," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Moreland offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of

Assembly bill (No. 1784, Int. No. 1404) entitled "An act to repeal sections sixty-two, sixty-three and sixty-four of the transportation corporation law," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Weimert offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2856 Int. No. 1082), entitled "An act to amend the primary election law, in relation to excepting first, second, and certain third class cities from special enrollment and changing date when enrollment books shall be delivered," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, *June 13, 1907.*

Resolved (if the Assembly concur), That a joint committee consisting of four senators to be designated by the Temporary President of the Senate and five members of Assembly, to be designated by the Speaker of the Assembly, be and hereby is, appointed to consider, after the adjournment of the Legislature, the proposed recommendations of the Board of Statutory Consolidation and to report thereon to the Legislature of nineteen hundred and eight for the purpose of facilitating the consideration of such recommendation by the next Legislature and that the actual and necessary expenses of the members of such committee be paid out of the appropriation for the contingent expenses of the Legislature.

By order of the Senate,

LAFAYETTE B. GLEASON,

Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Apgar	Draper	Haines	Matthews	Schulz
Averill	Dudley	Hamilton	Mead	Sheridan
Baldwin	Duell	Hammond	Merritt	Shuttleworth,
Baumann	Eggleston	Hamn	Mills	Sinclair
Blue	Eichhorn	Harper	Moreland	Smith C
Boshart	Farrell	Harris	Morgan	Smith Myron
Brady	Ferguson	Hart	Murphy C F	Staley
Brown	Feth	Hoey	Murphy C W	Stratton
Buckley	Filley	Holmes	Nevins	Surpless
Burhyte	Foley C F	Hooper	Newton	Volk
Burns	Fowler	Hubbs	Norton	Voss
Cavanaugh	Francis	Hurd	O'Brian	Waddell
Chamberlain	Frisbie	Jacobs	Oliver	Wagner
Cole	Ganly	Keller	Parker	Walters
Colné	Garbe	Lansing	Patton	Waters
Conklin	Glore	Lewis	Phillips	Weimert
Conrady	Gluck	Lowe	Prince	West
Cunningham	Glynn	Lupton	Ralston	Whitley
De Groot	Goldberg	Maher	Reece	Whitney F G
Dominy	Gray	Mallon	Rogers	Whitney G H
Donnelly	Green	Mance	Schmidt	Winters
Dowling	Gunderman	Marlatt	Schoeneck	Yale

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, *June 14, 1907.*

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2679, Int. No. 745) entitled "An act to amend chapter one hundred and ninety-four of the Laws of eighteen hundred and ninety-seven, entitled 'An act creating a commissioner of jurors for each county of the State having a population of more than one hundred and fifty thousand, and less than one hundred and ninety thousand, and regulating and prescribing his duties,' relative to clerk hire and drawing of jurors."

CHARLES E. HUGHES.

The Senate returned the bill (No. 2063, Int. No. 911) entitled "An act to amend the Greater New York charter, in relation to territory for the accommodation and use of canal boats and barges," with a message that this bill was again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be, "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?"

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the Assembly bill (No. 1959, Senate reprint No. 1694, Int. No. 316) entitled "An act to amend the Penal Code, in relation to selling merchandise in bulk."

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the bill (No. 2295, Int. No. 1670) entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to section seven of article six of the Constitution, in relation to judges of the Court of Appeals and justices of the Supreme Court," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said resolution to the Secretary of State.

The Senate returned the bill (No. 2651, Int. No. 1737) entitled "An act to amend the Penal Code, in relation to enticing inmates from certain State institutions."

Also, the bill (No. 1804, Int. No. 1414) entitled "An act to provide for the taxation for school purposes of the lands owned by the State and situate within the boundaries of union free school district number thirteen of the town of Islip, Suffolk county."

Also, the bill (No. 2871, Int. No. 1963) entitled "An act to legalize the official acts of William McCormick, as justice of the peace of the town of Potsdam, county of Saint Lawrence."

Also, the bill (No. 2882, Int. No. 1966) entitled "An act to amend the Forest, Fish and Game Law, in relation to the transportation of the carcasses and venison of domesticated deer."

Also, the bill (No. 2869, Int. No. 1961) entitled "An act to provide for the appointment of a commission to investigate the Torrens system of registering land titles, and to report on the

expediency of the adoption of such system by the State of New York."

Also, the bill (No. 2890, Int. No. 775) entitled "An act to amend the Election Law, in relation to the publicity of contributions to, and expenditure of campaign funds, and providing for judicial inquiries relative thereto."

Also, the bill (No. 2690, Int. No. 1864) entitled "An act to establish a ferry from the highway which runs about forty rods south of Bright's station, in the county of Washington, across Lake Champlain."

Also, the bill (No. 2589, Int. No. 1641) entitled "An act to amend the Penal Code, in relation to the privileges of witnesses in investigations and proceedings relating to rebates and allowances by life insurance corporations."

Also, the bill (No. 2906, Int. No. 696) entitled "An act making appropriations for repairs, renewals and betterments for the several State prisons, the Matteawan State Hospital for Insane Criminals, and the Dannemora State Hospital for Insane Convicts."

Also, the bill (No. 2761, Int. No. 1891) entitled "An act to amend the Agricultural Law, in relation to the employment of persons having infectious or contagious disease, or who have been exposed to any infectious or contagious disease, in any dairy or creamery where milk is produced for sale, or manufactured into an article of food, and to prevent the employment of any such persons in connection with the distribution of milk or other dairy products."

Also, the bill (No. 302, Int. No. 301) entitled "An act to amend the Consolidated School Law, in relation to State aid for blind pupils in certain institutions, and to make an appropriation therefor."

Also, the bill (No. 2590, Int. No. 1696) entitled "An act to amend the Code of Civil Procedure, in relation to the Court of Claims."

Also, the bill (No. 2740, Int. No. 1880) entitled "An act to legalize the acts of Jacob J. Lazaro, a commissioner of deeds," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the Assembly bill (No. 2089, Senate reprint No. 1691, Int. No. 1048) entitled "An act to amend the Tax Law, in relation to exemption of cemetery property."

Also, Assembly bill (No. 2499, Senate reprint No. 1781, Int. No. 1443) entitled "An act to amend section three hundred and eighty-two of the Penal Code, relative to frauds on hotel-keepers."

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the bill (No. 2262, Int. No. 891) entitled "An act to amend the Labor Law, relative to hours of labor of certain employees on railroads".

Also, the bill (No. 1949, Int. No. 1497) entitled "An act to provide for the taxation for school purposes of the lands owned by the State and situate within the boundaries of school districts numbers four and eleven of the town of Kirkwood, Broome county."

Also, the bill (No. 2806, Int. No. 1901) entitled "An act to amend the Election Law, in relation to filling of vacancies in elective offices," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the Senate bill (No. 1279, Assembly reprint No. 2894, Rec. No. 490) entitled "An act to empower the State Water Supply Commission to inquire into the expediency of the State owning or controlling the water power within its borders," with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bill to the Senate.

The Senate returned the bill (No. 2104, Int. No. 1579) entitled "An act to amend chapter two hundred and sixty-nine of the Laws of nineteen hundred and two, entitled 'An act to incorporate the city of Plattsburgh,' generally," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Plattsburgh.

The Senate returned the bill (No. 24, Int. No. 24) entitled "An act for the relief of persons, firms and corporations who rendered services and furnished labor or material which was used in constructing the State armory in the late village, now city of Tonawanda, Erie county, New York," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Tonawanda.

The Senate returned the bill (No. 2416, Int. No. 1722) entitled "An act empowering the sinking fund commission of the city of New York to vacate and cancel certain assessments for public improvements upon the real property of the church of Saint Nicholas Tolentine of the borough of the Bronx," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

The Senate returned the bill (No. 2866, Int. No. 1958) entitled "An act creating a board of public works in the city of New Rochelle, prescribing its powers and duties, conferring upon such board the duties of the commissioners of sewers, abolishing the office of city engineer and increasing the duties of superintendent of streets," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New Rochelle.

The Senate returned the bill (No. 2043, Int. No. 990) entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in relation to the jurisdiction of such court," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2152, Senate reprint No. 1690, Int. No. 1593) entitled "An act to

amend the Tax Law, and providing for the assessment as a special franchise by the State Board of Tax Commissioners of an occupancy of the streets, highways and public places, where such occupancy has not been ratified by grant from public authority," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2856, Int. No. 1082) entitled "An act to amend the Primary Election Law, in relation to excepting first, second and certain third class cities from special enrollment and changing date when enrollment books shall be delivered," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1784, Int. No. 1404) entitled "An act to repeal sections sixty-two, sixty-three and sixty-four of the Transportation Corporations Law," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 14, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2856, Int. No. 1082) entitled "An act to amend the Primary Election Law, in relation to excepting first, second and certain third class cities from special enrollment and changing date when enrollment books shall be delivered."

CHARLES E. HUGHES.

On motion of Mr. Moreland, the House adjourned.

MONDAY, JUNE 17, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Joseph A. Jones.

On motion of Mr. Moreland, the reading of the journal of Friday, June 14, 1907 was dispensed with, and the same was approved.

The Senate sent for concurrence the following entitled bill:

"An act to amend the Insurance Law, relating to the certificate of authority of agents and to the election of directors" (No. 1846, Rec. No. 511), which was read the first time and referred to the committee on insurance.

By unanimous consent, Mr. Croak introduced a bill entitled "An act to amend chapter one hundred and ninety of the Laws of eighteen hundred and seventy-eight, entitled 'An act to protect the Seaside boulevard and meadows adjacent thereto on the south shore of Staten island, and to prevent the same from being injured or overflowed by the waters of the bay of New York,' in relation to the removal of sand, earth or clay" (Int. No. 1983), which was read the first time and referred to the committee on affairs of cities.

By unanimous consent, Mr. Moreland introduced a bill entitled "An act making a reappropriation of an unexpended balance of an appropriation for the Department of Public Buildings for the purpose of lighting and heating the tower rooms of the Capitol" (Int. No. 1984), which was read the first time and referred to the committee on ways and means.

By unanimous consent, Mr. Schoeneck introduced a bill entitled "An act to legalize certain high school bonds of the city of Syracuse" (Int. No. 1985), which was read the first time and referred to the committee on affairs of cities.

Mr. West, from the committee on printed and engrossed bills, reported the following bill as correctly printed or engrossed:

"An act making an appropriation for the deepening, cleaning and repairing the outlet of Round lake, Saratoga county, for the better preservation of the public health and to prevent its waters from becoming contaminated and unhealthy." (No. 1290, Int. No. 613.)

A message from the Governor, by the hand of his secretary, was received and read in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 15, 1907.

To the Assembly:

I return herewith, without my approval, Assembly bill (No. 2500) entitled "An act to amend the Code of Criminal Procedure, relative to warrant issued by certain judicial officers."

This bill amends the law so as to provide that a warrant issued by a "police justice of a city of the second class" may be directed to any peace officer in the State and need not be indorsed, as at present required, by a magistrate of another county within which it is to be executed.

I do not approve the policy of this bill; and furthermore, if police justices are to have this power, there is no reason why it should be limited to police justices of cities of the second class.

CHARLES E. HUGHES.

On motion of Mr. Hammond, said message, together with said bill, was ordered laid upon the table.

A message from the Governor, by the hand of his secretary, was received and read, in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 15, 1907.

To the Assembly:

I return herewith, without my approval, Assembly bill (No. 455, Senate reprint No. 1338) entitled "An act to better protect the lives of railroad employees."

This bill provides that it shall be unlawful for any railroad company in the State of New York "that runs more than four freight trains in twenty-four hours," to run over any part of its road outside of yard limits any freight train composed of more than twenty cars with less than a full crew of six persons, to wit, one engineer, one fireman, one conductor and three brakemen; or a light engine without cars without a crew composed of one engineer, one fireman, one conductor or one flagman, when running a distance of ten miles or more from starting point.

According to present practice, freight trains are very generally operated with a crew of five persons, and the object of this bill is to compel the employment of an additional brakeman. The

necessity for this is said to lie in the fact that without three brakemen the freight trains are insufficiently manned, and that firemen are compelled to leave their places in all kinds of weather to throw switches when the two brakemen are required respectively to go ahead of and behind the train.

This bill, however, upon the facts developed before me upon the hearing and undisputed, is clearly unconstitutional. Such a measure should define the service required with suitable reference to circumstances and conditions so that the law would apply in proper cases and not otherwise. The bill takes no account of the differences between the different roads and parts of roads, in trackage and switching facilities, and of the fact that what may be necessary in the case of some railroads may be wholly unnecessary in others. In the case of the New York Central railroad it was shown that the trackage and switching facilities on its main lines were of such a character as to make unnecessary the employment of a third brakeman in accordance with the provisions of the bill. This was frankly conceded by supporters of the bill.

To require the expenditure of a very large amount of money (estimated at several hundred thousand dollars annually) without necessity for the outlay, is simply arbitrary exaction and a taking of property without due process of law. The bill does not refer its requirements to any proper standard of necessity or provide any criterion by which its proper application under varying conditions is to be determined. It contains an absolute requirement which, upon the facts conceded before me, cannot be justified.

CHARLES E. HUGHES.

On motion of Mr. Baldwin, said message, together with said bill, was ordered laid upon the table.

A message from the Governor, by the hand of his secretary, was received and read in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 17, 1907.

To the Assembly:

I return herewith, without my approval, Assembly bill (No. 248) entitled "An act to provide for the pensioning of Mary Hedeman, mother of Patrolman William Hedeman, deceased."

If the beneficiary of this bill was dependent upon the deceased, application for a pension may now be made under the general law as amended by chapter four hundred and forty-five of the Laws of nineteen hundred and seven."

CHARLES E. HUGHES.

On motion of Mr. Schulz, said message, together with said bill, was ordered laid upon the table.

A message from the Governor, by the hand of his secretary, was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 17, 1907.

To the Assembly:

I return herewith, without my approval, Assembly bill (No. 678) entitled "An act to amend chapter three hundred and ninety-two of the Laws of eighteen hundred and ninety-six, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Richmond county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the county of Richmond, and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail of said county,' in relation to salary of jailor."

This bill increases the allowance for the jailor of Richmond county from nine hundred to eighteen hundred dollars a year. The compensation of the jailor should be fixed by the local authorities, and if the law be amended it should so provide.

CHARLES E. HUGHES.

On motion of Mr. Croak, said message, together with said bill, was ordered laid upon the table.

A message from the Governor, by the hand of his secretary, was received and read, in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 17, 1907.

To the Assembly:

I return herewith, without my approval, Assembly bill (No. 1375, Senate reprint No. 901) entitled "An act to amend the Code of Civil Procedure, relative to the compensation of deputy sheriffs and constables attending courts in Richmond county."

This is a matter which should be dealt with by the local authorities, and if the law be amended it should so provide.

CHARLES E. HUGHES.

On motion of Mr. Croak, said message, together with said bill, was ordered laid upon the table.

A message from the Governor, by the hand of his secretary, was received and read, in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 17, 1907.

To the Assembly:

I return herewith, without my approval, Assembly bill (No. 2302, Senate reprint No. 1489) entitled "An act to amend chapter seven hundred and sixty of the Laws of eighteen hundred and ninety-seven, entitled 'An act to revise the charter of the city of Watertown,' in relation to the liability of the city."

This bill, among other things, provides that the city of Watertown shall not be liable for injuries to person or property in consequence of the defective character of any street, highway, bridge or culvert unless it appears that actual notice of the dangerous condition of the same was given to the board of public works or a member thereof at least forty-eight hours prior to the injury.

The existing law sufficiently protects municipalities against recovery for defects in highways which cannot be discovered by the authorities through the exercise of proper diligence. There is no sound reason for the stringent provisions of this bill. Special considerations, in view of climatic conditions, may justify the requirement of actual notice with reference to snow and ice. But as to defects in streets, bridges, culverts, etc., the plaintiff should not be deprived of his rights where he did not know the existence of the defect before the injury was sustained nor should his rights be dependent upon the action or inaction of other members of the community with whom he has no concern. Requirements as to the giving of notice of claim after injury occurs, and statutes of limitation, are of a different character.

CHARLES E. HUGHES.

On motion of Mr. Wood, said message, together with said bill, was ordered laid upon the table.

A message from the Governor, by the hand of his secretary, was received and read, in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 17, 1907.

To the Assembly:

I return herewith, without my approval, Assembly bill (No. 1219) entitled "An act to amend the Code of Civil Procedure, in

relation to an Appellate Term of the Supreme Court in certain boroughs of the city of New York."

This bill attempts to curtail the constitutional powers of justices of the Supreme Court and of the Appellate Divisions.

CHARLES E. HUGHES.

On motion of Mr. Dobbs, said message, together with said bill, was ordered laid upon the table.

Mr. Speaker announced the special order, being the bill (No. 2898) entitled "An act to amend chapter one hundred and fifteen of the Laws of eighteen hundred and ninety-eight, entitled 'An act to provide for the improvement of the public highways,' as amended by chapter four hundred and sixty-eight of the Laws of nineteen hundred and six" (Int. No. 1971). Said bill having been announced for a second reading,

On motion of Mr. Shuttleworth, and by unanimous consent, said bill was made a special order on second and third reading for Tuesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2899) entitled "An act to amend chapter five hundred and sixty-eight of the Laws of eighteen hundred and ninety, entitled 'An act in relation to highways, constituting chapter nineteen of the general laws'" (Int. No. 1972). Said bill having been announced for a second reading,

On motion of Mr. Ralston, and by unanimous consent, said bill was made a special order on second and third reading for Tuesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 1805) entitled "An act to amend the Insurance Law, in relation to the power of the Superintendent of Insurance to authorize the use of additional forms of policies to be issued and delivered by domestic life insurance companies within this State." (Rec. No. 489.)

On motion of Mr. Rogers, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 104

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sinclair
Apgar	Dowling	Hamn	Miller	Smith A E
Averill	Draper	Harawitz	Mills	Smith C
Baumann	Dudley	Harper	Mooney	Stevenson
Boshart	Eagleton	Hart	Moreland	Surpless
Brady	Eggleston	Hoey	Murphy G W	Volk
Brooks	Eichhorn	Holmes	Nevins	Voss
Brough	Feth	Hubbs	Newton	Wainwright
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue	Sheridan	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1173) entitled "An act to amend the Civil Service Law, relative to examinations." (Rec. No. 310.)

Said bill having been announced for a second reading,

Mr. Speaker stated the question to be upon the amendments pending.

Mr. Speaker put the question whether the House would agree to said motion to amend, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to special order, second and third reading.

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2872, Int. No. 346) entitled "An act to amend the Public Health Law, in relation to the retailing of poisons," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Lansing offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1765, Int. No. 1383) entitled "An act to amend chapter three hundred and fifty-nine of the Laws of eighteen hundred and ninety-seven, entitled 'An act to incorporate the city of Rensselaer' in relation to the collection of taxes," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Gray offered for the consideration of the House, a resolution in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2667, Senate reprint No. 1766, Int. No. 1857) entitled "An act to legalize and confirm the acts and proceedings of the trustees and voters of union free school district number one, town of Hammond, Saint Lawrence county, New York, relative to certain tax and issue and sale of certain bonds of said district," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Conklin offered for the consideration of the House, a resolution in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1285, Int. No. 568) entitled "An act to amend the Greater New York charter, in relation to the powers of the borough presidents and of the president of the board of aldermen," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 17, 1907.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 1377, Rec. No. 352) entitled "An act to prescribe regulations for the review of apportionments by the Legislature or other bodies," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 17, 1907.*

Resolved (if the Assembly concur); That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 1576, Rec. No. 404) entitled "An act to incorporate the city of Port Jervis," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the Assembly bill (No. 2401, Senate reprint No. 1645, Int. No. 1630) entitled "An act to amend the Primary Election Law, generally."

Also, Assembly bill (No. 2552, Senate reprint No. 1789, Int. No. 1465) entitled "An act to amend the Insurance Law, in relation to discriminations in life insurance, and to the priv-

ileges and protections to be accorded witnesses in all actions or proceedings involving such discriminations."

Ordered, That the Clerk deliver said bills to the Governor.

A communication was received from Hon. John H. Coyne, mayor of the city of Yonkers, returning Assembly bill (No. 2877, Int. No. 1061), entitled "An act to amend chapter five hundred and ninety-six of the Laws of eighteen hundred and ninety-eight, entitled 'An act to amend chapter one hundred and sixty-three of the Laws of eighteen hundred and seventy-three, entitled "An act to organize and establish a police department for the city of Yonkers," ' generally," with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. John H. Coyne, mayor of the city of Yonkers, returning Assembly bill (No. 2878, Int. No. 1483), entitled "An act to amend chapter six hundred and thirty-five of the Laws of eighteen hundred and ninety-five, entitled 'An act to revise the charter of the city of Yonkers,' generally," with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Charles O. Cross, mayor of the city of Johnstown, returning Assembly bill (No. 2857, Int. No. 1253), entitled "An act to amend chapter five hundred and ninety-three of the Laws of nineteen hundred and five, entitled 'An act to revise the charter of the city of Johnstown,' generally," with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2749, Int. No. 1889) entitled "An act to authorize and empower the commissioners of the sinking fund of the city of New York to refund to the Saint Paul's German Evangelical Reformed Church or the trustees thereof, moneys paid as assess-

ment for public improvements upon certain real property belonging to said church in the borough of the Bronx, New York city," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2350, Int. No. 1703), entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain taxes for the year nineteen hundred and six, affecting property situate in the borough of Manhattan, in the city of New York, now belonging to and upon which is erected the building of the Young Women's Hebrew Association of the city of New York," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2872, Int. No. 346), entitled "An act to amend the Public Health Law, in relation to the retailing of poisons," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1765, Int. No. 1383), entitled "An act to amend chapter three hundred and fifty-nine of the Laws of eighteen hundred and ninety-seven, entitled 'An act to incorporate the city of Rensselaer,' in relation to the collection of taxes," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2667, Senate reprint No. 1766, Int. No. 1857) entitled "An act to legalize and confirm the acts and proceedings of the trustees and voters of union free school district number one, town of Hammond, Saint Lawrence county, New York, relative to certain tax, and issue and sale of certain bonds of said district," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1285, Int. No. 568), entitled "An act to amend the Greater New York charter, in relation to the powers of the borough presidents, and of the president of the board of aldermen," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 17, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2872, Int. No. 346) entitled "An act to amend the Public Health Law, in relation to the retailing of poisons."

CHARLES E. HUGHES.

Said bill having been announced, Mr. G. H. Whitney moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 104

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sinclair
Apgar	Dowling	Hamn	Miller	Smith A E
Averill	Draper	Harawitz	Mills	Smith C
Baumann	Dudley	Harper	Mobney	Stevenson
Boshart	Eagleton	Hart	Moreland	Surpless
Brady	Eggleston	Hoey	Murphy G W	Volk
Brooks	Eichhorn	Holmes	Nevins	Voss
Brough	Feth	Hubbs	Newton	Wainwright
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley

Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue	Sheridan	

Mr. G. H. Whitney moved that said bill be recommitted to the committee on public health, with instructions to report the same forthwith amended as follows:

Page 6, line 20, after the word "article" omit period and insert the following "nor shall any thing in this act be deemed to prohibit the sale of methyl or wood alcohol by any dealer, either wholesale or retail, when properly labeled".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. G. H. Whitney, from the committee on public health, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

On motion of Mr. Moreland, the House adjourned.

TUESDAY, JUNE 18, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Heisler.

On motion of Mr. Moreland, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. A. E. Smith gives notice that he requests that Assembly bill (No. 2910, Int. No. 1977) entitled "An act to amend the Greater New York charter, relating to the office of coroner," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Weimert gives notice that he requests that Assembly bill (No. 1984, Int. No. 1524) entitled "An act to amend section

eight hundred and seventy-nine of the Code of Civil Procedure, relating to depositions taken and to be used within the State," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Waddell gives notice that he requests that Assembly bill (No. 2777, Senate reprint No. 1810, Int. No. 1856) entitled "An act to amend chapter five hundred and sixty-six of the Laws of eighteen hundred and ninety, entitled 'An act in relation to transportation corporations excepting railroad, constituting chapter forty of the general laws,' in relation to town contracts with water corporations," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on third reading.

Mr. Moreland gives notice that he requests that the Senate bill introduced by Mr. Armstrong (No. 1850, Rec. No. 510) entitled "An act to amend chapter nine of the general laws, known as the Executive Law, to provide for the filing by notaries public in the offices of registers of the several counties, of their signatures and certificates of their appointment," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Burns gives notice that he requests that the Senate bill (No. 1327, Rec. No. 508) entitled "An act to authorize the justices of the Appellate Division of the Supreme Court in the second judicial department to appoint two confidential clerks, and to provide for their compensation," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Weber (No. 2910, Int.

No. 1977), entitled "An act to amend the Greater New York charter, relating to the office of coroner."

Also, Assembly bill introduced by Mr. Weimert (No. 1984, Int. No. 1524), entitled "An act to amend section eight hundred and seventy-nine of the Code of Civil Procedure, relating to depositions taken and to be used within the State," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Waddell (No. 2777, Senate reprint No. 1810, Int. No. 1856), entitled "An act to amend chapter five hundred and sixty-six of the Laws of eighteen hundred and ninety, entitled 'An act in relation to transportation corporations excepting railroad, constituting chapter forty of the general laws,' in relation to town contracts with water corporations," reported in favor of the passage of the same without amendment, and that the same be made a special order on third reading immediately, which report was agreed to, and said bill ordered made special order on third reading immediately.

Mr. Speaker, from the committee on rules, to which was referred Senate bill introduced by Mr. Armstrong (No. 1850, Rec. No. 510), entitled "An act to amend chapter nine of the general laws, known as the Executive Law, to provide for the filing by notaries public in the offices of registers of the several counties, of their signatures and certificates of their appointment."

Also, Senate bill introduced by Mr. McCarren (No. 1327, Rec. No. 508), entitled "An act to authorize the justices of the Appellate Division of the Supreme Court in the second judicial department to appoint two confidential clerks, and to provide for their compensation," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which

report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker announced the special order, being the bill (No. 2913) entitled "An act to amend chapter two hundred and twenty of the Laws of eighteen hundred and sixty-six, entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof,' in relation to increase of the salary of the assistant chief, electrician and permanent firemen of the fire department of said village." (Int. No. 1867.)

Said bill having been announced for a third reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on third reading for Wednesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2777, Senate reprint No. 1810) entitled "An act to amend chapter five hundred and sixty-six of the Laws of eighteen hundred and ninety, entitled 'An act in relation to transportation corporations excepting railroad, constituting chapter forty of the general laws,' in relation to town contracts with water corporations" (Int. No. 1856). Said bill having been announced,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on third reading for Wednesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2898) entitled "An act to amend chapter one hundred and fifteen of the Laws of eighteen hundred and ninety-eight, entitled 'An act to provide for the improvement of the public highways,' as amended by chapter four hundred and sixty-eight of the Laws of nineteen hundred and six" (Int. No. 1971). Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Wednesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2899) entitled "An act to amend chapter five hundred and sixty-eight of the Laws of eighteen hundred and ninety, entitled 'An act in relation to highways, constituting chapter nineteen of the

general laws " (Int. No. 1972). Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Wednesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2910) entitled "An act to amend the Greater New York charter, relating to the office of coroner " (Int. No. 1977). Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Wednesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 1984) entitled "An act to amend section eight hundred and seventy-nine of the Code of Civil Procedure, relating to depositions taken, and to be used within the State " (Int. No. 1524). Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Wednesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 1850) entitled "An act to amend chapter nine of the general laws, known as the Executive Law, to provide for the filing by notaries public in the offices of registers of the several counties, of their signatures and certificates of their appointment " (Rec. No. 510). Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Wednesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 1327) entitled "An act to authorize the justices of the Appellate Division of the Supreme Court in the second judicial department to appoint two confidential clerks, and to provide for their compensation " (Rec. No. 508). Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Wednesday next, immediately after the reading of the journal.

Mr. Duell offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2375, Int. No. 1555) entitled "An act to amend the Code of Civil Procedure, relative to stenographer fees in Westchester county," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Mills offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 740, Senate reprint No. 1615, Int. No. 683) entitled "An act to authorize the Comptroller of the State to hear and determine the application of Everett R. Walker, for the cancellation of tax sales made in the years eighteen hundred and eighty-one and eighteen hundred and eighty-five of lot fifty-three, Mayfield patent, in Fulton county," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Wells offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1104, Int. No. 962) entitled "An act for the relief of the Sydenham Post Graduate Course and Hospital, by legalizing the acts of its members and directors, the election of its directors, and the enactment of its constitution and by-laws," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Green offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1400, Int. No. 134) entitled "An act to provide that assessments due and payable after January first, nineteen hundred and seven, pursuant to chapter two hundred and forty-four of the Laws of eighteen hundred and seventy-eight and the acts amendatory thereof, for laying out and improving Prospect Park in the city of Brooklyn, shall be paid by the city of New York, and providing for refunding of any such assessments heretofore paid," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Apgar offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1749, Int. No. 894) entitled "An act to amend sections thirty-three and thirty-four of title two of chapter three of part four of the Revised Statutes, relating to State prisons, relative to the salaries of certain officers," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Weimert offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1809, Int. No. 1419) entitled "An act to amend chapter six hundred and eighty-nine of the Laws of eighteen hundred and ninety-two, entitled 'An act in relation to banking corporations,' being chapter thirty-seven of the general laws," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Wainwright offered for the consideration of the House a lution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2551, Int. No. 1425) entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the said town of Rye, and to provide for the payment thereof," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Dominy offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2113, Int. No. 526) entitled "An act to amend section one of chapter six hundred and nineteen of the Laws of nineteen hundred and six, entitled 'An act to authorize the Comptroller of the State of New York to hear and determine the application of J. G. Stevens for the cancellation of a tax sale of eighteen hundred and seventy-seven of a portion of lot number fifty-nine of township number six, in the old military tract in the town of Ellenburg, county of Clinton,' in relation to the application of Charles Stevens, successor in interest of J. G. Stevens," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Patton offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2494, Int. No. 1473) entitled "An act to amend chapter three hundred and eight of the Laws of nineteen

hundred and three, entitled 'An act to regulate the junk business, and to require a person engaging in such business to procure a license,' by increasing the amount of such license in certain counties," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Dowling offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 427, Int. No. 428) entitled "An act to release to Frank H. Cothren all the right, title and interest of the people of the State of New York in and to certain real estate situate in the city of New York, county of Kings and State of New York," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Moreland offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2887, Int. No. 710) entitled "An act making appropriations for the support of government," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Baldwin offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2876, Int. No. 1818) entitled "An act authorizing the Marcellus and Otisco Lake Railway Company and Newark and Marion Railway Company to use locomotive steam power as a motive power," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Lewis offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2250, Int. No. 798) entitled "An act to provide for the construction of a stone or concrete retaining wall on the northerly side of Oneida creek in the village of Oneida Castle, and making an appropriation therefor," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. C. F. Murphy offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2650, Int. No. 1370) entitled "An act to amend section twenty-one of the Civil Service Law, in relation to power of removal," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. DeGroot offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1299, Int. No. 1094) entitled "An act for the appointment of a commission of records of the county of Queens," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Wainwright offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1330, Int. No. 961) entitled "An act to amend chapter eight hundred and eighteen of the Laws of eighteen hundred and sixty-eight, entitled 'An act to incorporate the village of Port Chester,' in relation to actions for damages arising from snow and ice upon sidewalks, crosswalks and streets in said village," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Wainwright offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2255, Int. No. 1567) entitled "An act to amend chapter five hundred and ninety-six of the Laws of eighteen hundred and seventy-four, entitled 'An act to incorporate the Manhattan Mortgage Company,' in relation to loans on real estate," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Cunningham offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1860, Int. No. 986) entitled "An act to amend the Domestic Relations Law, relating to the liability of married women for necessities," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Miller offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2464, Int. No. 1602) entitled "An act to amend chapter six hundred and eighty-six of the Laws of eighteen hundred and ninety-four, entitled 'An act for the preservation of macadamized and other public highways in the counties of Queens and Nassau,' in relation to exempting certain roads from certain of the provisions thereof," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Boshart offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1317, Senate reprint No. 1621, Int. No. 1112) entitled "An act for the promotion of agriculture and making an appropriation therefor," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Hubbs offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2743, Int. No. 1883) entitled "An act to amend chapter five hundred and forty-nine of the Laws of eighteen hundred and seventy-four, entitled 'An act to provide for the planting and protection of oysters in those portions of the Great South bay lying in the town of Islip, Suffolk county, wherein the taking of clams cannot be profitably followed as a business,' in relation to allotments of portions of such bay," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Surplless offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1620, Int. No. 1311) entitled "An act to fix and establish the annual salary of the surrogate of Kings county and repealing section two hundred and twenty-two of chapter six hundred and eighty-six of the Laws of eighteen hundred and ninety-two in so far as it relates to Kings county," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Duell offered for the consideration of the House a resolution, in the words following: -

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2004, Int. No. 505) entitled "An act to amend the Personal Property Law, relative to holders of trust funds requiring personal bonds or guarantees of payment," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Schulz offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2352, Int. No. 221) entitled "An act to amend section twelve hundred and forty-two of the Code of Civil Procedure, relating to the sale of real property," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. West offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2356, Int. No. 452) entitled "An act to amend the Public Health Law by defining optometry and regulating the practice thereof," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 18, 1907.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 1320, Rec. No. 335) entitled "An act to amend chapter four hundred and seventy-three of the Laws of nineteen hundred and six with relation to salaries of officers in second class cities," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 18, 1907.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 619, Rec. No. 266) entitled "An act to regulate transfers of goods in bulk," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 18, 1907.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 1065, Rec. No. 251) entitled "An act to release to Margaretha Ansay all the right, title and interest of the people of the State of New York, in and to certain real estate situate in the city of Buffalo, county of Erie and State of New York, acquired by escheat or otherwise upon the death of Hyronimus Wagner," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 18, 1907.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 1452, Rec. No. 387) entitled "An act to amend chapter five hundred and thirty-one of the Laws of eighteen hundred and eighty-one, entitled 'An act for the protection of taxpayers,' in relation to the burden of proof in certain actions," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 18, 1907.*

Resolved (if the Assembly concur), That Senate bill (No. 619, Rec. No. 266) entitled "An act to regulate transfers of goods in bulk," be returned to the Governor.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 2904, Int. No. 1974) entitled "An act to legalize and confirm the acts and proceedings of the trustees and voters of union free school district number one, town of Hammond, Saint Lawrence county, New York, relative to certain tax and issue and sale of certain bonds of said district."

Also, the bill (No. 2490, Int. No. 904) entitled "An act to amend section seventy-four of title two of chapter three of part four of the Revised Statutes, relating to State prisons relative to the parole of certain prisoners," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, *June 14, 1907.*

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1784; Int. No. 1404) entitled "An act to repeal sections sixty-two, sixty-three and sixty-four of the Transportation Corporations Law."

CHARLES E. HUGHES.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2375, Int. No. 1555) entitled "An act to amend the Code of Civil Procedure, relative to stenographer fees in Westchester county," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 740, Senate-reprint No. 1615, Int. No. 683) entitled "An act to authorize the Comptroller of the State to hear and determine the application of Everett R. Walker for the cancellation of tax sales made in the years eighteen hundred and eighty-one and eighteen hundred and eighty-five of lot fifty-three, Mayfield patent, in Fulton county," with a message that they have concurred in the passage of the same.

Ordered, That the clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1104, Int. No. 962) entitled "An act for the relief of the Sydenham Post Graduate Course and Hospital, by legalizing the acts of its members and directors, the election of its directors, and the enactment of its constitution and by-laws," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1400, Int. No. 134) entitled "An act to provide that assessments due and payable after January first, nineteen hundred and seven, pursuant to chapter two hundred and forty-four of the Laws of eighteen hundred and seventy-eight and the acts amendatory thereof, for laying out and improving Prospect park in the city of Brooklyn shall be paid by the city of New York, and providing for refunding of any such assessments heretofore paid," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1749, Int. No. 894) entitled "An act to amend sections thirty-three and thirty-four of title two of chapter three of part four of the Revised Statutes, relating to State prisons, relative to the salaries of certain officers," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1809, Int. No. 1419) entitled "An act to amend chapter six hundred and eighty-nine of the Laws of eighteen hundred and ninety-two, entitled 'An act in relation to banking corporations, being chapter thirty-seven of the general laws,'" with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2551, Int. No. 1425) entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the said town of Rye, and to provide for the payment thereof," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2113, Int. No. 526) entitled "An act to amend section one of chapter six hundred and nineteen of the Laws of nineteen hundred and six, entitled 'An act to authorize the Comptroller of the State of New York to hear and determine the application of J. G. Stevens for the cancellation of the tax sale of eighteen hundred and seventy-seven of a portion of lot number fifty-nine of

township number six, in the Old Military Tract in the town of Ellenburg, county of Clinton,' in relation to the application of Charles Stevens, successor in interest of J. G. Stevens," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2494, Int. No. 1473) entitled "An act to amend chapter three hundred and eight of the Laws of nineteen hundred and three, entitled 'An act to regulate the junk business, and to require a person engaging in such business to procure a license,' by increasing the amount of such license in certain counties," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 437, Int. No. 428) entitled "An act to release to Frank H. Cothren all the right, title and interest of the people of the State of New York in and to certain real estate situate in the city of New York, county of Kings and State of New York," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2887, Int. No. 710) entitled "An act making appropriations for the support of government," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2876, Int. No. 1818) entitled "An act authorizing the Marcellus and Otisco Lake Railway Company and Newark and Marion Railway Company to use locomotive steam power as a

motive power," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2250, Int. No. 798) entitled "An act to provide for the construction of a stone or concrete retaining wall on the north-erly side of Oneida creek in the village of Oneida Castle, and making an appropriation therefor," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2650, Int. No. 1370) entitled "An act to amend section twenty-one of the Civil Service Law, in relation to power of removal," with a message that they have concurred in the pas-sage of the same.

Ordered, That the Clerk deliver said resolution to the Gov-ernor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1299, Int. No. 1094) entitled "An act for the appointment of a commissioner of records of the county of Queens," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Gov-ernor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1330, Int. No. 961) entitled "An act to amend chapter eight hundred and eighteen of the Laws of eighteen hundred and sixty-eight, entitled 'An act to incorporate the village of Port Chester,' in relation to actions for damages arising from snow and ice upon sidewalks, crosswalks and streets in said village," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Gov-ernor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2255, Int. No. 1567) entitled "An act to amend chapter five hundred and ninety-six of the Laws of eighteen hundred and seventy-four, entitled 'An act to incorporate the Manhattan Mortgage Company,' in relation to loans on real estate," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1860, Int. No. 986) entitled "An act to amend the Domestic Relations Law, relating to the liability of married women for necessities," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2464, Int. No. 1602) entitled "An act to amend chapter six hundred and eighty-six of the Laws of eighteen hundred and ninety-four, entitled 'An act for the preservation of macadamized and other public highways in the counties of Queens and Nassau,' in relation to exempting certain roads from certain of the provisions thereof," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1317, Senate reprint No. 1621, Int. No. 1112) entitled "An act for the promotion of agriculture and making an appropriation therefor," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill

(No. 2743, Int. No. 1883) entitled "An act to amend chapter five hundred and forty-nine of the Laws of eighteen hundred and seventy four, entitled 'An act to provide for the planting and protection of oysters in those portions of the Great South bay lying in the town of Islip, Suffolk county, wherein the taking of clams cannot be profitably followed as a business,' in relation to allotments of portions of such bay," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1620, Int. No. 1311) entitled "An act to fix and establish the annual salary of the surrogate of Kings county, and repealing section two hundred and twenty-two of chapter six hundred and eighty-six of the Laws of eighteen hundred and ninety-two, in so far as it relates to Kings county," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2004, Int. No. 505) entitled "An act to amend the Personal Property Law, relative to holders of trust funds requiring personal bonds or guarantees of payment," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2352, Int. No. 221) entitled "An act to amend section twelve hundred and forty-two of the Code of Civil Procedure, relating to the sale of real property," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2356, Int. No. 452) entitled "An act to amend the Public Health Law by defining optometry, and regulating the practice thereof," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.
A communication from the Governor was received and read,
in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 11, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2667, Senate reprint No. 1766, Int. No. 1857) entitled "An act to legalize and confirm the acts and proceedings of the trustees and voters of union free school district number one, town of Hammond, Saint Lawrence county, New York, relative to certain tax and issue and sale of certain bonds of said district."

CHARLES E. HUGHES.

A communication from the Governor was received and read,
in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 12, 1907:

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1841, Senate reprint 1798, Int. No. 1440) entitled "An act to amend chapter four hundred and sixty-nine of the Laws of nineteen hundred and six, entitled 'An act to provide for issuing of bonds of the State for the improvement of highways, and making an appropriation therefor,' generally."

CHARLES E. HUGHES.

A communication from the Governor was received and read,
in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 14, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2152, Senate reprint No. 1690, Int. No. 1593) entitled "An act to

amend the Tax Law, and providing for the assessment as a special franchise by the State Board of Tax Commissioners of an occupancy of the streets, highways and public places, where such occupancy has not been ratified by grant from public authority."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, *June 17, 1907.*

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1765, Int. No. 1383) entitled "An act to amend chapter three hundred and fifty-nine of the Laws of eighteen hundred and ninety-seven, entitled 'An act to incorporate the city of Rensselaer,' in relation to the collection of taxes."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, *June 18, 1907.*

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1860, Int. No. 986) entitled "An act to amend the Domestic Relations Law, relating to the liability of married women for necessities."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, *June 18, 1907.*

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2356,

Senate reprint No. 1492, Int. No. 452) entitled "An act to amend the Public Health Law by defining optometry and regulating the practice thereof."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2250, Senate reprint No. 1761, Int. No. 798) entitled "An act to provide for the construction of a stone or concrete retaining wall on the northerly side of Oneida creek in the village of Oneida Castle, and making an appropriation therefor."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2113, Senate reprint No. 1620, Int. No. 526) entitled "An act to amend section one of chapter six hundred and nineteen of the laws of nineteen hundred and six, entitled 'An act to authorize the comptroller of the state of New York to hear and determine the application of J. G. Stevens for the cancellation of the tax sale of eighteen hundred and seventy-seven of a portion of lot number fifty-nine of township number six, in the old military tract in the town of Ellenburgh, county of Clinton,' in relation to the application of Charles Stevens, successor in interest of J. G. Stevens."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1317, Senate reprint No. 1621, Int. No. 1112) entitled "An act for the promotion of agriculture and making an appropriation therefor."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2352, Int. No. 221) entitled "An act to amend section twelve hundred and forty-two of the Code of Civil Procedure, relating to the sale of real property."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2454, Int. No. 1746) entitled "An act to legalize the acts of Addison S. Pratt, a notary public."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1330, Int. No. 961) entitled "An act to amend chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight, entitled 'An act to incorporate the village of Port Chester,' in relation to actions for damages arising from snow and ice upon sidewalks, crosswalks and streets in said village."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2551, Int. No. 1425) entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the said town of Rye, and to provide for the payment thereof."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2650, Int. No. 1370) entitled "An act to amend section twenty-one of the Civil Service Law, in relation to power of removal."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2743, Int. No. 1883) entitled "An act to amend chapter five hundred and forty-nine of the Laws of eighteen hundred and seventy-four, entitled 'An act to provide for the planting and protection of oysters in those portions of the Great South bay lying in the town of Islip, Suffolk county, wherein the taking of clams cannot be profitably followed as a business,' in relation to allotments of portions of such bay."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2887, Int. No. 710) entitled "An act making appropriations for the support of government."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2494, Int. No. 1473) entitled "An act to amend chapter three hundred and eight of the Laws of nineteen hundred and three, entitled 'An act to regulate the junk business, and to require a person engaging in such business to procure a license,' by increasing the amount of such license in certain counties."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2375, Int. No. 1555) entitled "An act to amend the Code of Civil Procedure, relative to stenographer fees in Westchester county."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 437, Int. No. 428) entitled "An act to release to Frank H. Cothren all the right, title and interest of the people of the state of New York in and to certain real estate situate in the city of New York, county of Kings and state of New York."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1299, Int. No. 1094) entitled "An act for the appointment of a commissioner of records for the county of Queens."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill No. 2464, Int. No. 1602) entitled "An act to amend chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-four, entitled 'An act for the preservation of macadamized and other public highways in the counties of Queens and Nassau,' in relation to exempting certain roads from certain of the provisions thereof." -

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2004, Int. No. 505) entitled "An act to amend the personal property law, relative to holders of trust funds requiring personal bonds or guarantees of payment."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1620, Int. No. 1311) entitled "An act to fix and establish the annual salary of the surrogate of Kings county and repealing section two hundred and twenty-two of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two in so far as it relates to Kings county."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1809, Int. No. 1419) entitled "An act to amend chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, entitled 'An act in relation to banking corporations,' being chapter thirty-seven of the general laws."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2255, Int. No. 1567) entitled "An act to amend chapter five hundred and ninety-six of the laws of eighteen hundred and seventy-four, entitled 'An act to incorporate the Manhattan mortgage company,' in relation to loans on real estate."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1749, Int. No. 894) entitled "An act to amend sections thirty-three and thirty-four of title two of chapter three of part four of the revised statutes, relating to state prisons, relative to the salaries of certain officers."

CHARLES E. HUGHES.

A communication was received from the Governor and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1104, Int. No. 962) entitled "An act for the relief of the Sydenham post graduate course and hospital, by legalizing the acts of its members and directors, the election of its directors, and the enactment of its constitution and by-laws."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1400, Int. No. 134) entitled "An act to provide that assessments due and payable after January first, nineteen hundred and seven, pursuant to chapter two hundred and forty-four of the laws of eighteen hundred and seventy-eight and the acts amendatory thereof, for laying out and improving Prospect park in the city of Brooklyn shall be paid by the city of New York, and providing for refunding of any such assessments heretofore paid."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 740, Senate reprint No. 1615, Int. No. 683) entitled "An act to au-

thorize the comptroller of the state to hear and determine the application of Everett R. Walker for the cancellation of tax sales made in the years eighteen hundred and eighty-one and eighteen hundred and eighty-five of lot fifty-three, Mayfield patent, in Fulton county."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 18, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2876, Int. No. 1818) entitled "An act authorizing the Marcellus and Otisco Lake railway company and Newark and Marion railway company to use locomotive steam power as a motive power."

CHARLES E. HUGHES.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2801, Int. No. 1917) entitled "An act to amend the Code of Civil Procedure, in relation to the clerk, deputy clerks, assistant clerks, stenographers, interpreters, and attendants in the City Court of the city of New York," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 1774, Int. No. 1393) entitled "An act to authorize the board of estimate and apportionment of the city of New York to hear, determine, audit, and allow, claims of certain persons for services as probation officers in the city of New York, and directing the comptroller to pay such claims as may be allowed for such services by said board," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2725, Int. No. 287) entitled "An act to amend the Code of Civil Procedure, in relation to the City Court of the city of New York; increase of the number of justices; salaries of justices; the duties of the justices, relating to the appointment and removal of clerks, attendants, et cetera, and their duties, and reference to other matters pertaining to the administration of the court," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2721, Int. No. 1453) entitled "An act to amend the Greater New York charter, relative to employees of water works companies," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2750, Int. No. 1890) entitled "An act to amend the Greater New York charter, in relation to qualifications of firemen," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. John H. Coyne, mayor of the city of Yonkers, returning Assembly bill (No. 2727, Int. No. 1874) entitled "An act to prohibit the erection of elevated railroad structures upon certain streets in the city of Yonkers," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Moreland, the House adjourned.

WEDNESDAY, JUNE 19, 1907.

The House met pursuant to adjournment.

Prayer by Rev. R. W. C. Ziehm, Rensselaer.

On motion of Mr. Moreland, the reading of the journal of yesterday was dispensed with, and the same was approved.

The Senate sent for concurrence the following entitled bills:

"An act to amend the Highway Law, in relation to State aid in towns under the money system" (No. 1853, Rec. No. 512), which was read the first time.

On motion of Mr. Moreland, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Moreland, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Haines	Miller	Smith A E
Apgar	Draper	Hamilton	Mills	Smith Myron
Baldwin	Duell	Hammond	Moreland	Staley
Baumann	Eagleton	Harawitz	Morgan	Stern
Blue	Eichhorn	Harris	Murphy C F	Stratton
Bohan	Farrell	Hart	Murphy G W	Todd
Brady	Ferguson	Hoey	Northrop	Volk
Brooks	Filley	Hooper	Norton	Waddell
Brough	Flanagan	Hurd	Oliver	Wagner
Buckley	Foley C F	Huth	Patton	Wainwright
Burhyte	Foley J A	Jackson	Phillips	Walters
Burns	Francis	Keller	Prentice	Weber
Burzynski	Ganly	Lee	Prince	Weimert
Chamberlain	Garbe	Lewis	Ralston	Wells
Cole	Geoghagan	Loos	Robinson	West
Conklin	Glore	Lupton	Schmidt	Whitney G H
Croak	Gluck	Maher	Schoeneck	Winters
Cunningham	Goldberg	Mance	Schwegler	Wood
Cuvillier	Gray	McCue	Shuttleworth	Yale
Dobbs	Gunderman	Merritt	Sinclair	Young
Dominy	Hackett			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Greater New York charter, relative to city magistrates" (No. 1854, Rec. No. 513), which was read the first time and referred to the committee on affairs of cities.

"An act to amend section six hundred and twelve of the Greater New York charter, giving to the commissioners of parks of the city of New York, jurisdiction over playgrounds" (No. 1208, Rec. No. 514), which was read the first time and referred to the committee on affairs of cities.

"An act authorizing the fire commissioners of the city of New York to rehear the charges upon which John J. Lyons, formerly a fireman in the fire department of said city, was dismissed from said department and to reinstate him in his former position" (No. 1848, Rec. No. 515), which was read the first time and referred to the committee on affairs of cities.

Mr. Speaker announced the special order, being the bill (No. 2913) entitled "An act to amend chapter two hundred and twenty of the Laws of eighteen hundred and sixty-six, entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof,' in relation to increase of the salary of the assistant chief, electrician and permanent firemen of the fire department of said village" (Int. No. 1867). Said bill having been announced for a third reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on third reading for Thursday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2777, Senate reprint No. 1810) entitled "An act to amend chapter five hundred and sixty-six of the Laws of eighteen hundred and ninety, entitled 'An act in relation to transportation corporations excepting railroad, constituting chapter forty of the general laws,' in relation to town contracts with water corporations" (Int. No. 1858). Said bill having been announced for a third reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on third reading for Thursday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2898) entitled "An act to amend chapter one hundred and fifteen of the Laws of eighteen hundred and ninety-eight, entitled 'An act to provide for the improvement of the public highways,' as amended by chapter four hundred and sixty-eight of the Laws of nineteen hundred and six" (Int. No. 1971). Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Thursday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2899) entitled "An act to amend chapter five hundred and sixty-eight of the Laws of eighteen hundred and ninety, entitled 'An act in relation to highways,' constituting chapter nineteen of the general laws" (Int. No. 1972). Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Thursday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2910) entitled "An act to amend the Greater New York charter, relating to the office of coroner" (Int. No. 1977). Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Thursday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 1984) entitled "An act to amend section eight hundred and seventy-nine of the Code of Civil Procedure, relating to depositions taken and to be used within the State" (Int. No. 1524). Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill

was made a special order on second and third reading for Thursday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 1850) entitled "An act to amend chapter nine of the general laws, known as the Executive Law, to provide for the filing by notaries public in the offices of registers of the several counties, of their signatures and certificates of their appointment" (Rec. No. 510). Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Thursday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 1327) entitled "An act to authorize the justices of the Appellate Division of the Supreme Court in the second judicial department to appoint two confidential clerks and to provide for their compensation" (Rec. No. 508). Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Thursday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 291, Assembly reprint No. 2915) entitled "An act to amend chapter four hundred and sixty-six of the Laws of nineteen hundred and one (the Greater New York charter), by providing for the licensing of theatre ticket brokers and the regulation of the theatre brokerage business" (Rec. No. 488). Said bill having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Thursday next, immediately after the reading of the journal.

A message was received from the Senate, in words following:

IN SENATE, ALBANY, *June 18, 1907.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 1576, reprint No. 1856,

Rec. No. 404) entitled "An act to incorporate the city of Port Jervis."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Taylor, and by unanimous consent, the same was amended as follows:

Page 11, strike out the word "shall" at the end of line 2, and the remainder of the page to and including line 16 and insert in place thereof the following: "comma after the word clerk in line 2, the city treasurer, the commissioner of charities, the superintendent of streets and sewers, the assessor, the chief of police, the patrolmen, the corporation counsel, the chief engineer of the fire department and the city engineer shall receive such compensation as may be fixed and allowed from time by the common council, the supervisors and".

Line 22, after period, strike out remainder of line, also lines 23, 24 and to and including the period in line 25.

Page 12, after the word "court" in line 2, strike out remainder of line, also line 3 and insert in place thereof the following: "such compensation as the common council may determine".

Page 147, after the period in line 8, strike out remainder of the page to and including the word "diligence" in line 21.

Said bill, as amended, was reprinted, re-engrossed, and, having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Said bill, having been announced,

Mr. Hurd moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 105

NOES 00

Those who voted in the affirmative were:

Allen	Dominy	Hackett	Merritt	Smith A. E.
Apgar	Donnelly	Haines	Miller	Smith Myron
Baldwin	Draper	Hamilton	Mills	Staley J. J.
Baumann	Duell	Hammond	Moreland	Stern
Blue	Eagleton	Harawitz	Morgan	Stevenson

Bohan	Eichhorn	Harris	Murphy C F	Stratton
Brady	Farrell	Hart	Murphy G W	Todd
Brooks	Ferguson	Hoey	Northrup	Volk
Brough	Filley	Hooper	Norton	Waddell
Buckley	Flanagan	Hurd	Oliver	Wagner
Burhyte	Foley C F	Huth	Patton	Wainwright
Burns	Foley J A	Jackson	Phillips	Walters
Burzynski	Francis	Keller	Prentice	Weber
Chamberlain	Ganly	Lee	Prince	Weimert
Cole	Garbe	Lewis	Ralston	Wells
Collins	Geoghagan	Loos	Robinson	West
Conklin	Glore	Lupton	Schmidt	Whitney F G
Croak	Gluck	Maher	Schoeneck	Winters
Cunningham	Goldberg	Mance	Schwegler	Wood
Cuvillier	Gray	Matthews	Shuttleworth	Yale
Dobbs	Gunderman	McCue	Sinclair	Young

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

To the Legislature:

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1022, printed No. 1576), as amended, entitled "An act to incorporate the city of Port Jervis."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this eighteenth day of June in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER,

Secretary to the Governor.

Said bill, as amended, was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Haines	Miller	Smith A E
Apgar	Draper	Hamilton	Mills	Smith Myron
Baldwin	Duell	Hammond	Moreland	Staley
Baumann	Eagleton	Harawitz	Morgan	Stern
Blue	Eichhorn	Harris	Murphy C F	Stratton
Bohan	Farrell	Hart	Murphy G W	Todd
Brady	Ferguson	Hoey	Northrop	Volk
Brooks	Fille	Hooper	Norton	Waddell
Brough	Flanagan	Hurd	Oliver	Wagner
Buckley	Foley C F	Huth	Patton	Wainwright
Burhyte	Foley J A	Jackson	Phillips	Walters
Burns	Francis	Keller	Prentice	Weber
Burzynski	Ganly	Lee	Prince	Weimert
Chamberlain	Garbe	Lewis	Ralston	Wells
Cole	Geoghagan	Loos	Robinson	West
Conklin	Glore	Lupton	Schmidt	Whitney G H
Croak	Gluck	Maher	Schoeneck	Winters
Cunningham	Goldberg	Mance	Schwegler	Wood
Cuvillier	Gray	McCue	Shuttleworth	Yale
Dobbs	Gunderman	Merritt	Sinclair	Young
Dominy	Hackett			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution in relation to final adjournment, with a message that they have agreed to the request for a committee of conference thereon and that the Temporary President had appointed Messrs. Armstrong, Page and Grady such committee on behalf of the Senate.

Mr. Speaker appointed Messrs. Mead, Phillips, Hammond, G. H. Whitney and Oliver as such committee on the part of the Assembly.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Speaker has appointed Messrs. Mead, Phillips, Hammond, G. H. Whitney and Oliver such committee on the part of the Assembly.

On motion of Mr. Moreland, the House adjourned.

THURSDAY, JUNE 20, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Heisler.

On motion of Mr. Moreland, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. Merritt moved a call of the members of the House.

Mr. Speaker put the question whether the House would **agree** to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Blue	Eagleton	Hammond	Moreland	Schwegler
Boshart	Filley	Holmes	Oliver	Shuttleworth
Brady	Foley C F	Lansing	Phillips	Smith A E
Burhyte	Glynn	Lewis	Prentice	Smith C
Conklin	Gunderman	Maher	Robinson	Whitney F G
Dowling	Hackett	Mead	Rogers	Whitney G H
Draper	Haines.	Merritt	Schoeneck	

Mr. Phillips moved that the call of the House be made a close call.

Mr. Speaker put the question whether the House would **agree** to said motion, and it was determined in the affirmative.

The Senate returned the concurrent resolution in relation to the final adjournment of the Legislature.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, *June 17, 1907.*

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1285, Int. No. 568) entitled "An act to amend the Greater New York charter, in relation to the powers of the borough presidents and of the president of the board of aldermen."

CHARLES E. HUGHES.

Mr. Rogers raised the point of order that the call of the House had developed the fact that there was not a quorum present.

Mr. Speaker declared the point of order well taken.

On motion of Mr. Moreland, the House adjourned.

FRIDAY, JUNE 21, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Heisler.

On motion of Mr. Moreland, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. Burhyte gives notice that he requests that Assembly bill (No. 2914, Int. No. 1980) entitled "An act to amend the Highway Law, relative to State aid in towns under the money system," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Baldwin gives notice that he requests that Assembly bill (No. 2917, Int. No. 1982) entitled "An act authorizing the Newark and Marion Railway Company to use locomotive steam power as a motive power," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Baldwin gives notice that he requests that Assembly bill (No. 2918, Int. No. 1981) entitled "An act authorizing the Marcellus and Otisco Lake Railway Company to use locomotive steam power as a motive power," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

On motion of Mr. Moreland, the House took a recess until 11 o'clock a. m.

ELEVEN O'CLOCK A. M.

The House again convened.

Mr. Mead, from the committee of conference, presented the following report:

To the Legislature:

The undersigned, appointed by the Senate and Assembly as a committee of conference relative to the matters of difference

arising between the two Houses upon the concurrent resolution fixing the date for final adjournment of the Legislature, report that they have duly conferred upon said matters, and agreed to recommend the adoption of the following resolution:

Resolved (if the Senate concur), That the Legislature adjourn without date on Wednesday, June 26, 1907, at two o'clock, p. m.

WILLIAM W. ARMSTRONG,
ALFRED R. PAGE,
THOMAS F. GRADY,
Committee on the part of the Senate.

CHARLES W. MEAD,
JESSE S. PHILLIPS,
FRED. W. HAMMOND,
GEORGE H. WHITNEY,
JAMES OLIVER,
Committee on the part of the Assembly.

which report was agreed to.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence the following entitled bills:

"An act to amend chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled 'An act in relation to highways,' constituting chapter nineteen of the general laws" (No. 1845, Rec. No. 516), which was read the first time and referred to the committee on internal affairs.

"An act to authorize the city of Lockport to borrow money, by the issue of bonds, to rebuild, restore and refurnish the High street school building, and the heating, ventilating and closet system therein" (No. 1857, Rec. No. 517), which was read the first time.

Mr. C. F. Foley asked unanimous consent for the second reading of said bill. Upon objection of Mr. Rogers, said bill was ordered referred to the committee on affairs of cities.

"An act to legalize bonds of the village of Old Forge, issued for the purpose of defraying the expense of establishing a system of water-works in and for said village, and supplying its inhabitants with water, and to legalize all proceedings of the board of

trustees in relation thereto, including the resolution submitted to the qualified electors of said village at a special election held on the fifth day of November, nineteen hundred and six, and all proceedings of said board of trustees in relation and subsequent thereto, and to provide for the payment of the principal and interest of said bonds " (No. 1858, Rec. No. 518), which was read the first time.

Mr. Moreland asked unanimous consent for the second reading of said bill.

Upon objection by Mr. Rogers, said bill was ordered referred to the committee on affairs of villages.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Burhyte (No. 2914, Int. No. 1980) entitled "An act to amend the Highway Law, relative to State aid in towns under the money system."

Also, Assembly bill introduced by Mr. Baldwin (No. 2917, Int. No. 1982), entitled "An act authorizing the Newark and Marion Railway Company to use locomotive steam power as a motive power."

Also, Assembly bill introduced by Mr. Baldwin (No. 2918, Int. No. 1981) entitled "An act authorizing the Marcellus and Otisco Lake Railway Company to use locomotive steam power as a motive power," reported in favor of the passage of the same, without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker announced the special order, being the bill (No. 2913) entitled "An act to amend chapter two hundred and twenty of the Laws of eighteen hundred and sixty-six, entitled 'An act to amend the charter of the village of Saratoga Springs and the several acts amendatory thereof,' in relation to increase of the salary of the assistant chief, electrician and permanent firemen of the fire department of said village." (Int. No. 1867.)

Said bill having been announced for a third reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a

special order on third reading for Monday next immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2777, Senate reprint No. 1810) entitled "An act to amend chapter five hundred and sixty-six of the Laws of eighteen hundred and ninety, entitled 'An act in relation to transportation corporations excepting railroad, constituting chapter forty of the general laws,' in relation to town contracts with water corporations." (Int. No. 1856.)

Said bill having been announced for a third reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2922) entitled "An act to amend the Public Health Law, in relation to the retailing of poisons." (Int. No. 346.)

Said bill having been announced for a third reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2898) entitled "An act to amend chapter one hundred and fifteen of the Laws of eighteen hundred and ninety-eight, entitled 'An act to provide for the improvement of the public highways,' as amended by chapter four hundred and sixty-eight of the Laws of nineteen hundred and six." (Int. No. 1971.)

Said bill having been announced for a second reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2899) entitled "An act to amend chapter five hundred and sixty-eight of the Laws of eighteen hundred and ninety, entitled 'An act in relation to highways, constituting chapter nineteen of the general laws.'" (Int. No. 1972.)

Said bill having been announced for a second reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2910) entitled "An act to amend the Greater New York charter, relating to the office of coroner." (Int. No. 1977.)

Said bill having been announced for a second reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 1984) entitled "An act to amend section eight hundred and seventy-nine of the Code of Civil Procedure, relating to depositions taken and to be used within the State." (Int. No. 1524.)

Said bill having been announced for a second reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 1850) entitled "An act to amend chapter nine of the general laws, known as the Executive Law, to provide for the filing by notaries public in the offices of registers of the several counties, of their signatures and certificates of their appointment." (Rec. No. 510.)

Said bill having been announced for a second reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 1327) entitled "An act to authorize the justices of the Appellate Division of the Supreme Court in the second judicial department to appoint two confidential clerks, and to provide for their compensation." (Rec. No. 508.)

Said bill having been announced for a second reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 291, Assembly reprint No. 2915) entitled "An act to amend chapter four hundred and sixty-six of the Laws of nineteen hundred and one (the Greater New York charter), by providing for

the licensing of theatre ticket brokers and the regulation of the theatre brokerage business." (Rec. No. 488.)

Said bill having been announced for a second reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 1173, Assembly reprint No. 2919) entitled "An act to amend the Civil Service Law, relative to examinations." (Rec. No. 310.)

Said bill having been announced for a second reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2914) entitled "An act to amend the Highway Law, relative to State aid in towns under the money system." (Int. No. 1980.)

Said bill having been announced for a second reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2917) entitled "An act authorizing the Newark and Marion Railway Company to use locomotive steam power as a motive power." (Int. No. 1982.)

Said bill having been announced for a second reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2918) entitled "An act authorizing the Marcellus and Otisco Lake Railway Company to use locomotive steam power as a motive power." (Int. No. 1981.)

Said bill having been announced for a second reading, on motion of Mr. Rogers, and by unanimous consent, said bill was made a special order on second and third reading for Monday next, immediately after the reading of the journal.

Mr. Mead offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That the Clerk of the Assembly be and is hereby authorized and directed to cause to be prepared and published five thousand (5,000) copies of the proceedings of the Assembly relative to the death of and the memorial services commemorative of the life and character of Hon. Frederick E. Perham, Hon. Charles F. Plank, Hon. William J. Donohue, Hon. Mervin C. Stanley and Hon. Jean L. Burnett, to be bound in one volume and distributed as follows: One thousand copies to the families of the deceased, two hundred and fifty copies to the State officers, one thousand copies to the Senate and its officers, the remainder to the members and officers of the Assembly; the expense thereof to be paid out of the appropriation for the contingent expenses of the Legislature upon the certificate of said Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 105

NOES 00

Those who voted in the affirmative were:

Allen	Dominy	Hackett	Merritt	Smith A E
Apgar	Donnelly	Haines	Miller	Smith Myron
Baldwin	Draper	Hamilton	Mills	Staley
Baumann	Duell	Hammond	Moreland	Stern
Blue	Eagleton	Harawitz	Morgan	Stevenson
Bohan	Eichhorn	Harris	Murphy C F	Stratton
Brady	Farrell	Hart	Murphy G W	Todd
Brooks	Ferguson	Hoey	Northrup	Volk
Brough	Filley	Hooper	Norton	Waddell
Buckley	Flanagan	Hurd	Oliver	Wagner
Burhyte	Foley C F	Huth	Patton	Wainwright
Burns	Foley J A	Jackson	Phillips	Walters
Burzynski	Francis	Keller	Prentice	Weber
Chamberlain	Ganly	Lee	Prince	Weimert
Cole	Garbe	Lewis	Ralston	Wells
Collins	Geoghagan	Loos	Robinson	West
Conklin	Glore	Lupton	Schmidt	Whitney G H
Croak	Gluck	Maher	Schoeneck	Winters
Cunningham	Goldberg	Mance	Schwegler	Wood
Cuvillier	Gray	Matthews	Shuttleworth	Yale
Dobbs	Gunderman	McCue	Sinclair	Young

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Conklin offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1285, Int. No. 568) entitled "An act to amend the Greater New York charter, in relation to the powers of the borough presidents and of the president of the board of aldermen," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Moreland offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 836, Senate reprint No. 1335, Int. No. 771) entitled "An act making appropriations for the State charitable institutions, the New York state school for the blind, the Elmira reformatory, and the Eastern New York reformatory," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Mills offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 740, Senate reprint No. 1615, Int. No. 683) entitled "An act to authorize the comptroller of the state to hear and determine the application of Everett R. Walker, for the cancellation of tax sales made in the years eighteen hundred and eighty-one and eighteen hundred and eighty-five of lot fifty-three, Mayfield patent, in Fulton county," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Green offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1400, Int. No. 134) entitled "An act to provide that assessments

due and payable after January first, nineteen hundred and seven, pursuant to chapter two hundred and forty-four of the laws of eighteen hundred and seventy-eight and the acts amendatory thereof, for laying out and improving Prospect park in the city of Brooklyn shall be paid by the city of New York, and providing for refunding of any such assessments heretofore paid," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Weimert offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1809, Int. No. 1419) entitled "An act to amend chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, entitled 'An act in relation to banking corporations,' being chapter thirty-seven of the general laws," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Surpless offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1620, Int. No. 1311) entitled "An act to fix and establish the annual salary of the surrogate of Kings county and repealing section two hundred and twenty-two of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, in so far as it relates to Kings county," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Duell offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2004, Int. No. 505) entitled "An act to amend the personal

property law, relative to holders of trust funds requiring personal bonds or guarantees of payment," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Wells offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1104, Int. No. 962) entitled "An act for the relief of the Sydenham post graduate course and hospital, by legalizing the acts of its members and directors, the election of its directors, and the enactment of its constitution and by-laws," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Apgar offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1749, Int. No. 894) entitled "An act to amend sections thirty-three and thirty-four of title two of chapter three of part four of the revised statutes, relating to state prisons, relative to the salaries of certain officers," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Wainwright offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2255, Int. No. 1567), entitled "An act to amend chapter five hundred and ninety-six of the laws of eighteen hundred and seventy-four, entitled 'An act to incorporate the Manhattan mortgage company,' in relation to loans on real estate," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Miller offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2464, Int. No. 1602) entitled "An act to amend chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-four, entitled 'An act for the preservation of macadamized and other public highways in the counties of Queens and Nassau,' in relation to exempting certain roads from certain of the provisions thereof," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. DeGroot offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1299, Int. No. 1094) entitled "An act for the appointment of a commissioner of records of the county of Queens," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Dowling offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 437, Int. No. 428) entitled "An act to release to Frank H. Cothren all the right, title and interest of the people of the state of New York in and to certain real estate situate in the city of New York, county of Kings and state of New York," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Duell offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2375, Int. No. 1555) entitled "An act to amend the code of civil procedure, relative to stenographer fees in Westchester county," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Patton offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2494, Int. No. 1473) entitled "An act to amend chapter three hundred and eight of the laws of nineteen hundred and three, entitled 'An act to regulate the junk business, and to require a person engaging in such business to procure a license,' by increasing the amount of such license in certain counties," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Moreland offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2887, Int. No. 710) entitled "An act making appropriations for the support of government," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Hubbs offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2743, Int. No. 1883) entitled "An act to amend chapter five hundred and forty-nine of the laws of eighteen hundred and seventy-four, entitled 'An act to provide for the planting and protection

of oysters in those portions of the Great South bay lying in the town of Islip, Suffolk county, wherein the taking of clams cannot be profitably followed as a business,' in relation to allotments of portions of such bay," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. C. F. Murphy offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2650, Int. No. 1370) entitled "An act to amend section twenty-one of the civil service law, in relation to power of removal," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Wainwright offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2551, Int. No. 1425) entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the said town of Rye, and to provide for the payment thereof," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Wainwright offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1330, Int. No. 961) entitled "An act to amend chapter eight hundred and eighteen of the laws of eighteen hundred sixty-eight, entitled 'An act to incorporate the village of Port Chester,' in relation to actions for damages arising from snow and ice upon sidewalks, crosswalks and streets in said village," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Stanton offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2454, Int. No. 1746) entitled "An act to legalize the acts of Addison S. Pratt, a notary public," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Schulz offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2352, Int. No. 221) entitled "An act to amend section twelve hundred and forty-two of the code of civil procedure, relating to the sale of real property," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Boshart offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1317, Senate reprint No. 1621, Int. No. 1112) entitled "An act for the promotion of agriculture and making an appropriation therefor," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Dominy offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2113, Senate reprint No. 1620, Int. No. 526) entitled "An act to amend chapter six hundred and nineteen of the laws of nine-

teen hundred and six, entitled 'An act to authorize the comptroller of the state of New York to hear and determine the application of J. G. Stevens for the cancellation of the tax sale of eighteen hundred and seventy-seven of a portion of lot number fifty-nine of township number six, in the old military tract in the town of Ellenburgh, county of Clinton,' in relation to the application of Charles Stevens, successor in interest of J. G. Stevens," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Lewis offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2250, Senate reprint No. 1761, Int. No. 798) entitled "An act to provide for the construction of a stone or concrete retaining wall on the northerly side of Oneida creek in the village of Oneida Castle, and making an appropriation therefor," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. West offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2356, Senate reprint No. 1492, Int. No. 452) entitled "An act to amend the public health law by defining optometry and regulating the practice thereof," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Cunningham offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1860, Int. No. 986) entitled "An act to amend the domestic relations law, relating to the liability of married women for necessities," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Lansing offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1765, Int. No. 1383) entitled "An act to amend chapter three hundred and fifty-nine of the laws of eighteen hundred and ninety-seven, entitled 'An act to incorporate the city of Rensselaer,' in relation to the collection of taxes," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Phillips offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2152, Senate reprint No. 1690, Int. No. 1593) entitled "An act to amend the tax law, and providing for the assessment as a special franchise by the state board of tax commissioners of an occupancy of the streets, highways and public places, where such occupancy has not been ratified by grant from public authority," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Merritt offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1841, Senate reprint No. 1798, Int. No. 1440) entitled "An act to amend chapter four hundred and sixty-nine of the laws of nineteen hundred and six, entitled 'An act to provide for issuing of bonds of the state for the improvement of highways, and making an appropriation therefor,' generally," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Eagleton offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1675, Senate reprint No. 1436, Int. No. 1343) entitled "An act to amend the penal code, in relation to restricting the powers of peace officers in respect to photographs of prisoners," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Wainwright offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2126, Int. No. 1464) entitled "An act to amend chapter six hundred and forty-six of the laws of nineteen hundred and five, entitled 'An act to provide for the construction and maintenance of a sanitary trunk sewer and a sanitary outlet sewer in the county of Westchester, and to provide means for the payment therefor,' generally," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 20, 1907.*

Resolved (if the Assembly concur), That Senate bill (No. 1452, Rec. No. 387) entitled "An act to amend chapter five hundred and thirty-one of the laws of eighteen hundred and eighty-one, entitled 'An act for the protection of taxpayers,' in relation to the burden of proof in certain actions," be returned to the Governor.

By order of the Senate,

LAFAYETTE B. GLEASON,

Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 21, 1907.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 1558, Assembly reprint No. 2858, Rec. No. 414) entitled "An act to amend chapter one hundred and forty-seven of the laws of nineteen hundred and three, entitled 'An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three,' as amended by chapter seven hundred and forty of the laws of nineteen hundred and five, relative to the route of the improved Erie canal," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 2624, Int. No. 1832) entitled "An act to amend the Primary Election Law, in relation to certified copies of certain enrollment records," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 740, Senate reprint No. 1615, Int. No. 683) entitled "An act to authorize the Comptroller of the State to hear and determine the application of Everett R. Walker

for the cancellation of tax sales made in the years eighteen hundred and eighty-one and eighteen hundred and eighty-five of lot fifty-three, Mayfield patent, in Fulton county," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1400, Int. No. 134) entitled "An act to provide that assessments due and payable after January first, nineteen hundred and seven, pursuant to chapter two hundred and forty-four of the Laws of eighteen hundred and seventy-eight and the acts amendatory thereof, for laying out and improving Prospect park in the city of Brooklyn shall be paid by the city of New York, and providing for refunding of any such assessments heretofore paid," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1809, Int. No. 1419) entitled "An act to amend chapter six hundred and eighty-nine of the Laws of eighteen hundred and ninety-two, entitled 'An act in relation to banking corporations,' being chapter thirty-seven of the general laws," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1620, Int. No. 1311) entitled "An act to fix and establish the annual salary of the surrogate of Kings county and repealing section two hundred and twenty-two of chapter six hundred and eighty-six of the Laws of eighteen hundred and ninety-two in so far as it relates to Kings county," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2004, Int. No. 505) entitled "An act to amend the Personal Property Law, in relation to holders of trust funds requiring personal bonds or guarantees of pay-

ment," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1104, Int. No. 962) entitled "An act for the relief of the Sydenham Post Graduate Course and Hospital, by legalizing the acts of its members and directors, the election of its directors, and the enactment of its constitution and by-laws," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1479, Int. No. 894) entitled "An act to amend sections thirty-three and thirty-four of title two of chapter three of part four of the Revised Statutes, relating to State prisons, relative to the salaries of certain officers," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2255, Int. No. 1565) entitled "An act to amend chapter five hundred and ninety-six of the Laws of eighteen hundred and seventy-four, entitled 'An act to incorporate the Manhattan Mortgage Company,' in relation to loans on real estate," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2464, Int. No. 1602) entitled "An act to amend chapter six hundred and eighty-six of the Laws of eighteen hundred and ninety-four, entitled 'An act for the preservation of macadamized and other public highways in the counties of Queens and Nassau,' in relation to exempting certain roads from certain of the provisions thereof," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1299, Int. No. 1094) entitled "An act for the appointment of a commissioner of records of

the county of Queens," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 437, Int. No. 428) entitled "An act to release to Frank H. Cothren all the right, title and interest of the people of the State of New York in and to certain real estate situate in the city of New York, county of Kings and State of New York," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2375, Int. No. 1555) entitled "An act to amend the Code of Civil Procedure, relative to stenographer fees in Westchester county," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2494, Int. No. 1473) entitled "An act to amend chapter three hundred and eight of the Laws of nineteen hundred and three, entitled 'An act to regulate the junk business, and to require a person engaging in such business to procure a license,' by increasing the amount of such license in certain counties," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2887, Int. No. 710) entitled "An act making appropriations for the support of government," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2743, Int. No. 1883) entitled "An act to amend chapter five hundred and forty-nine of the Laws of eighteen hundred and seventy-four, entitled 'An act to provide for the planting and protection of oysters in those portions of the Great South bay, lying in the town of Islip, Suffolk

county, wherein the taking of clams cannot be profitably followed as a business,' in relation to allotments of portions of such bay," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2650, Int. No. 1370) entitled "An act to amend section twenty-one of the Civil Service Law, in relation to power of removal," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2551, Int. No. 1425) entitled "An act to provide for laying out, constructing and maintaining a public park in the town of Rye, county of Westchester, and for the acquisition of lands and property for that purpose by the said town of Rye, and to provide for the payment thereof," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1330, Int. No. 961) entitled "An act to amend chapter eight hundred and eighteen of the Laws of eighteen hundred and sixty-eight, entitled 'An act to incorporate the village of Port Chester,' in relation to actions for damages arising from snow and ice upon sidewalks, crosswalks and streets in said village," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2454, Int. No. 1746) entitled "An act to legalize the acts of Addison S. Pratt, a notary public," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2352, Int. No. 221) entitled "An act to amend section twelve hundred and forty-two of the

Code of Civil Procedure, relating to the sale of real property," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1317, Senate reprint No. 1621, Int. No. 1112) entitled "An act for the promotion of agriculture, and making an appropriation therefor," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2113, Senate reprint No. 1620, Int. No. 526) entitled "An act to amend chapter six hundred and nineteen of the Laws of nineteen hundred and six, entitled 'An act to authorize the Comptroller of the State of New York to hear and determine the application of J. G. Stevens for the cancellation of the tax sale of eighteen hundred and seventy-seven of a portion of lot number fifty-nine of township number six, in the old military tract in the town of Ellenburgh, county of Clinton,' in relation to the application of Charles Stevens, successor in interest to J. G. Stevens," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2250, Senate reprint No. 1761, Int. No. 798) entitled "An act to provide for the construction of a stone or concrete retaining wall on the northerly side of Oneida creek in the village of Oneida Castle, and making an appropriation therefor," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2356, Senate reprint No. 1492, Int. No. 452) entitled "An act to amend the Public Health Law by defining optometry, and regulating the practice thereof," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to

the Governor Assembly bill (No. 1860, Int. No. 986) entitled "An act to amend the Domestic Relations Law, relating to the liability of married women for necessities," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1765, Int. No. 1383) entitled "An act to amend chapter three hundred and fifty-nine of the Laws of eighteen hundred and ninety-seven, entitled 'An act to incorporate the city of Rensselaer,' in relation to the collection of taxes," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2152, Senate reprint No. 1690, Int. No. 1593) entitled "An act to amend the Tax Law, and providing for the assessment as a special franchise by the State board of tax commissioners of an occupancy of the streets, highways and public places, where such occupancy has not been ratified by grant from public authority," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1841, Senate reprint No. 1798, Int. No. 1440) entitled "An act to amend chapter four hundred and sixty-nine of the Laws of nineteen hundred and six, entitled 'An act to provide for issuing bonds of the State for the improvement of highways, and making an appropriation therefor,' generally," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 2126, Int. No. 1464) entitled "An act to amend chapter six hundred and forty-six of the Laws of nineteen hundred and five, entitled 'An act to provide for the construction and maintenance of a sanitary trunk sewer, and a sanitary outlet sewer, in the county of Westchester, and to provide means for the payment

therefor,' generally," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1285, Int. No. 568) entitled "An act to amend the Greater New York charter, in relation to the powers of the borough presidents and of the president of the board of aldermen," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 836, Senate reprint No. 1335, Int. No. 771) entitled "An act making appropriations for the State charitable institutions, the New York State School for the Blind, the Elmira reformatory, and the Eastern New York reformatory," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1675, Senate reprint No. 1436, Int. No. 1343) entitled "An act to amend the Penal Code, in relation to restricting the powers of peace officers in respect to photographs of prisoners," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

A communication was received from Hon. Eugene Beach, mayor of the city of Gloversville, returning Assembly bill (No. 2875, Int. No. 1351), entitled "An act to amend chapter two hundred and seventy-five of the Laws of eighteen hundred and ninety-nine, entitled 'An act to revise the charter of the city of Gloversville,' giving the common council authority to make an annual appropriation to the Nathan Littauer Hospital Association," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan,

mayor of the city of New York, returning Assembly bill (No. 2712, Int. No. 1866) entitled "An act to amend the Greater New York charter, in relation to powers of the police commissioner and fire commissioner to rehear charges and reinstate discharged members," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. H. H. Woodburn, mayor of the city of Binghamton, returning Assembly bill (No. 2838, Int. No. 1496) entitled "An act to amend chapter two hundred and ninety-four of the Laws of eighteen hundred and sixty-nine, entitled 'An act to incorporate the fire department of the city of Binghamton,' relative to appointment of officers and salaries of treasurer and clerk," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Moreland, the House adjourned.

MONDAY, JUNE 24, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Charles Lee Sleight, Waterford.

On motion of Mr. Moreland, the reading of the journal of Friday, June twenty-one, nineteen hundred and seven, was dispensed with, and the same was approved.

Mr. Moreland gives notice that he requests that Assembly bill (No. 2921, Int. No. 1984) entitled "An act making a re-appropriation of an unexpended balance of an appropriation for the department of public buildings for the purpose of lighting and heating the tower rooms of the capitol," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Sheridan gives notice that he requests that Assembly bill

(No. 2184, Int. No. 1622) entitled "An act to reimburse the city of New York for the cost and expense of constructing the westerly sixty-five feet of the exterior street along the westerly shore of the East river between East Sixty-fourth street and East Eighty-first street in said city," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Schoeneck gives notice that he requests that Assembly bill (No. 2923, Int. No. 1985) entitled "An act to legalize certain high school bonds of the city of Syracuse," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Lewis gives notice that he requests that Assembly bill (No. 1786, Int. No. 1406) entitled "An act to amend the Transportation Corporations Law, relative to compelling installation of telephones," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Oliver gives notice that he requests that Assembly bill (No. 2920, Int. No. 1983) entitled "An act to amend chapter one hundred and ninety of the Laws of eighteen hundred and seventy-eight, entitled 'An act to protect the Seaside boulevard and meadows adjacent thereto, on the south shore of Staten Island, and to prevent the same from being injured or overflowed by the waters of the bay of New York,' in relation to the removal of sand, earth or clay," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Moreland gives notice that he requests that the Senate bill (No. 1846, Rec. No. 511) entitled "An act to amend the Insurance Law, relating to the certificate of authority of agents, and to the election of directors," a copy of which is hereto annexed, be made a special order, and asks that his request be re-

ferred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Ferguson gives notice that he requests that the Senate bill (No. 1858, Rec. No. 518) entitled "An act to legalize bonds of the village of Old Forge, issued for the purpose of defraying the expense of establishing a system of water-works in and for said village, and supplying its inhabitants with water, and to legalize all proceedings of the board of trustees in relation thereto, including the resolution submitted to the qualified electors of said village at a special election held on the fifth day of November, nineteen hundred and six, and all proceedings of said board of trustees in relation and subsequent thereto, and to provide for the payment of the principal and interest of said bonds," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. C. F. Foley gives notice that he requests that the Senate bill (No. 1857, Rec. No. 517) entitled "An act to authorize the city of Lockport to borrow money, by the issue of bonds, to rebuild, restore and refurnish the High street school building, and the heating, ventilating and closet system therein," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

By unanimous consent, Mr. Prentice introduced a bill entitled "An act to amend the Primary Law, in relation to the time of preparing and certifying statements and forms for an official ballot" (Int. No. 1986), which was read the first time and referred to the committee on the judiciary.

Mr. Rogers moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Apgar	Duell	Harawitz	Mead	Schwegler
Averill	Eagleton	Harper	Moreland	Sheridan
Baldwin	Eggleston	Harris	Morgan	Sinclair
Blue	Eichhorn	Holmes	Nevins	Smith A E

Bohan	Fay	Hooper	Newton	Smith C
Brown	Ferguson	Hubbs	Northrup	Stanton
Burhyte	Filley	Lansing	Norton	Surpless
Burns	Foley C F	Lewis	Oliver	Voss
Chamberlain	Ganly	Loos	Patton	Waddell
Cole	Garbe	Lowe	Phillips	Waters
Colné	Geoghagan	Lupton	Prentice	Whitley
Conrady	Glynn	Maher	Ralston	Whitney G H
Croak	Green	Mallon	Reece	Wood
De Groot	Hackett	Mance	Robinson	Yale
Dobbs	Haines	Marlatt	Rogers	Young
Donnelly	Hamn	McCue	Schoeneck	Speaker
Dudley				

Mr. Rogers moved that all further proceedings under the call of the House be suspended.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

A message from the Governor, by the hand of his secretary, was received and read, in words following:

STATE OF NEW YORK,

EXECUTIVE CHAMBER,

ALBANY, *June 27, 1907.*

To the Assembly:

I return herewith, without my approval, Assembly bill (No. 2290) entitled "An act to amend the liquor tax law, in relation to places in which the traffic in liquor shall not be permitted."

The object of this bill is to except a particular hotel in the city of New York from the prohibition against trafficking in liquors at a place within two hundred feet of a church. If the bill were special in form and merely excepted the hotel in question, it would be indefensible. Either the prohibition should be repealed or it should operate impartially. Exceptions are defensible only as they relate to classes of cases which, upon some well-defined ground, are deemed to lie outside of the policy of prohibition. If exceptions were to be followed in individual cases for the various reasons which, according to their character, might be persuasive, the law would speedily become a patchwork of favoritism.

The bill recognizes this principle, and the exception it proposes, despite the special application intended, is general in form. Its merits must be judged accordingly. It provides that the prohibition is not to apply in case of a church if any portion of the church property attached thereto is occupied for business purposes, and if the business of keeping a hotel is to be carried on by the applicant for a liquor tax certificate. It is difficult to see why a hotel should be permitted within two hundred feet of a

church where part of the property attached thereto is used for business purposes, and should not be permitted within two hundred feet of any other church. The question must also be considered in the light of the fact that churches are largely engaging in so-called institutional work, and it is not infrequent that portions of their property are used for secular purposes. The policy of the prohibition is not based upon the use a church may make of adjoining property which it may happen to own, but has reference to its own religious character and the supposed propriety of protecting its immediate surroundings.

Further, the bill makes no distinction between hotels, and whatever under the law may be regarded as a hotel will come within the language of the exception, whether it is one of the high class and is conducted in a most unobjectionable manner, or belongs to that class which constitutes so serious a menace to the morals of the community.

This bill does not challenge the propriety of the general prohibition in its application to a metropolitan community, and the proposed exception, in my judgment, cannot be justified.

CHARLES E. HUGHES.

On motion of Mr. Ralston, said message, together with said bill, was ordered laid upon the table.

A message from the Governor, by the hand of his secretary, was received and read, in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 24, 1907.

To the Legislature:

I recommend to your most serious consideration the importance of making a constitutional apportionment of Senators and members of Assembly before the Legislature adjourns.

The necessity of a new apportionment is obvious. The apportionment act of last year has been set aside, and it would be not only inconvenient but most unjust, in view of the changes in population, to have an election upon the basis of the apportionment fixed in 1895. The alternative is to have a new apportionment in accordance with the requirements of the Constitution, and this should be provided without delay.

It is undoubtedly important that the present session of the Legislature should not longer be protracted. I am informed that several hundred bills have been passed and are awaiting executive

action, and it is practically impossible that they should be disposed of save during the period allowed for that purpose after adjournment. It is particularly important, in order to avoid embarrassment in conducting the business of the State, that the supply bill appropriating moneys for current needs should be acted on as soon as possible. But both this bill and the general appropriation bill require an extended and thorough consideration, which is not possible if they reach the executive during the session of the Legislature and must be passed upon within the ten days, in that case, allowed by the Constitution. It has been the invariable practice to permit the executive to deal with them after adjournment, in order that they may receive the study they deserve. In view of these considerations, as well as of the avoidable expense entailed by an unnecessary prolongation of the session, it is highly desirable that there should be an early adjournment; and in recognition of this you have passed a concurrent resolution providing for adjournment on June 26th.

But I deem it to be of extreme importance that before that date a proper apportionment bill should be passed. The matter has long been under consideration; the subject has been thoroughly examined; and there is no sufficient reason for delaying its disposition. An extraordinary session should not be required for a purpose which can so readily be accomplished during the regular session. The subject cannot be dealt with to better advantage at any future time. The public interest, which should be the sole consideration, requires prompt action and the avoidance of delay and additional expense to the State, for which there is no public reason.

I present the matter to you as one of paramount obligation, and I deem it my duty to urge an immediate response to the just demand of the people of the State.

CHARLES E. HUGHES.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill, introduced by Mr. Moreland (No. 2921, Int. No. 1984), entitled "An act making a reappropriation of an unexpended balance of an appropriation for the department of public buildings for the purpose of lighting and heating the tower rooms of the capitol."

Also, Assembly bill introduced by Mr. Schoeneck (No. 2923, Int. No. 1985), entitled "An act to legalize certain high school bonds of the city of Syracuse."

Also, Assembly bill introduced by Mr. Sheridan (No. 2184, Int. No. 1622), entitled "An act to reimburse the city of New York for the cost and expense of constructing the westerly sixty-five feet of the exterior street, along the westerly shore of the East river, between East Sixty-fourth street and East Eighty-first street in said city."

Also, Assembly bill introduced by Mr. Croak (No. 2920, Int. No. 1983), entitled "An act to amend chapter one hundred and ninety of the Laws of eighteen hundred and seventy-eight, entitled 'An act to protect the Seaside boulevard, and meadows adjacent thereto, on the south shore of Staten Island, and to prevent the same from being injured or overflowed by the waters of the bay of New York,' in relation to the removal of sand, earth or clay."

Also, Assembly bill introduced by Mr. Lewis (No. 1786, Int. No. 1406), entitled "An act to amend the Transportations Corporations Law, relative to compelling installation of telephones," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading, immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred Senate bill introduced by Mr. Fancher (No. 1846, Rec. No. 511), entitled "An act to amend the Insurance Law, relating to the certificate of authority of agents, and to the election of directors."

Also, Senate bill introduced by Mr. Franchot (No. 1857, Rec. No. 517), entitled "An act to authorize the city of Lockport to borrow money, by the issue of bonds, to rebuild, restore and refurnish the High street school building, and the heating, ventilating and closet system therein."

Also, Senate bill introduced by Mr. Heacock (No. 1858, Rec. No. 518), entitled "An act to legalize bonds of the village of Old Forge, issued for the purpose of defraying the expense of establishing a system of water-works in and for said village, and

supplying its inhabitants with water, and to legalize all proceedings of the board of trustees in relation thereto, including the resolution submitted to the qualified electors of said village at a special election held on the fifth day of November, nineteen hundred and six, and all proceedings of said board of trustees in relation and subsequent thereto, and to provide for the payment of the principal and interest of said bonds," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker announced the special order, being the bill (No. 2913) entitled "An act to amend chapter two hundred and twenty of the Laws of eighteen hundred and sixty-six, entitled "An act to amend the charter of the village of Saratoga Springs and the several acts amendatory thereof," in relation to increase of the salary of the assistant chief, electrician and permanent firemen of the fire department of said village." (Int. No. 1867.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpluss
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters

Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrad	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill and, as amended, have again passed the same and request the concurrence of the Senate therein.

Mr. Speaker announced the special order, being the bill (No. 2777, Senate reprint No. 1810) entitled "An act to amend chapter five hundred and sixty-six of the Laws of eighteen hundred and ninety, entitled 'An act in relation to transportation corporations excepting railroad, constituting chapter forty of the general laws,' in relation to town contracts with water corporations." (Int. No. 1856.)

Said bill having been announced, Mr. Speaker stated the question to be upon concurrence in the amendments of the Senate thereto.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpless
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters

Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmid'	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

Mr. Speaker announced the special order, being the bill (No. 2922) entitled "An act to amend the Public Health Law, in relation to the retailing of poisons." (Int. No. 246.)

Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	McCue	Sheridan
Apgar	Dowling	Hamn	Mead	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpluss
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett			

Ordered, That the Clerk deliver said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill and, as amended, have again passed the same and request the concurrence of the Senate therein.

Mr. Speaker announced the special order, being the bill (No. 2898) entitled "An act to amend chapter one hundred and fifteen of the Laws of eighteen hundred and ninety-eight, entitled 'An act to provide for the improvement of the public highways,' as amended by chapter four hundred and sixty-eight of the Laws of nineteen hundred and six." (Int. No. 1971.)

On motion of Mr. Shuttleworth, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpluss
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colne	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue		

Ordered, That the Clerk engross said bill and deliver the same to the Senate, and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2899) entitled "An act to amend chapter five hundred and sixty-eight of the Laws of eighteen hundred and ninety, entitled 'An act in relation to highways, constituting chapter nineteen of the general laws.'" (Int. No. 1972.)

Said bill having been announced for a second reading,

On motion of Mr. Ralston, said bill was recommitted to the committee on rules, retaining its place on the order of second reading.

Mr. Speaker announced the special order, being the bill (No. 2910) entitled "An act to amend the Greater New York charter, relating to the office of coroner." (Int. No. 1977.)

On motion of Mr. Weber, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpless
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrad	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1984) entitled "An act to amend section eight hundred and seventy-nine of the Code of Civil Procedure, relating to depositions taken and to be used within the State." (Int. No. 1524.)

On motion of Mr. Weimert, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	McCue	Sheridan
Apgar	Dowling	Hamn	Mead	Sinclair
Averill	Draper	Harawitz	Miller	Smith A E
Baumann	Dudley	Harper	Mills	Smith C
Boshart	Eagleton	Hart	Mooney	Stevenson
Brady	Eggleston	Hoey	Moreland	Surplless
Brooks	Eichhorn	Holmes	Murphy G W	Volk
Brough	Feth	Hubbs	Nevins	Voss
Brown	Filley	Huth	Newton	Walters
Buckley	Flanagan	Jackson	Northrup	Waters
Burns	Foley J A	Keller	O'Brian	Weber
Burzynski	Fowler	Lansing	Oliver	Weimert
Cavanaugh	Francis	Lee	Parker	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood j
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 1850) entitled "An act to amend chapter nine of the general laws, known as the Excentive Law, to provide for the filing

by notaries public in the offices of registers of the several counties, of their signatures and certificates of their appointment." (Rec. No. 510.)

On motion of Mr. Moreland, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpless
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	Wells
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Doobs	Hackett	McCue		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1327) entitled "An act to authorize the justices of the Appellate Division of the Supreme Court in the second judicial department to appoint two confidential clerks, and to provide for their compensation." (Rec. No. 508.)

On motion of Mr. Mooney, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surplless
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 291, Assembly reprint No. 2915) entitled "An act to amend chapter four hundred and sixty-six of the Laws of nineteen hundred and one (the Greater New York charter), by providing for the licensing of theatre ticket brokers and the regulation of the theatre brokerage business" (Rec. No. 488). Said bill having been announced for a second reading,

On motion of Mr. Oliver, and by unanimous consent, said bill

was made a special order on second and third reading for Tuesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 1173, Assembly reprint No. 2919) entitled "An act to amend the Civil Service Law, relative to examinations" (Rec. No. 310). Said bill having been announced for a second reading,

On motion of Mr. A. E. Smith, and by unanimous consent, said bill was made a special order on second and third reading for Tuesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2914) entitled "An act to amend the Highway Law, relative to State aid in towns under the money system." (Int. No. 1980.)

On motion of Mr. Burhyte, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hamn	Mead	Sheridan
Apgar	Draper	Harawitz	Miller	Sinclair
Averill	Dudley	Harper	Mills	Smith A E
Baumann	Eagleton	Hart	Mooney	Smith C
Boshart	Eggleston	Hoey	Moreland	Stevenson
Brady	Eichhorn	Holmes	Murphy G W	Surpluss
Brooks	Feth	Hubbs	Nevins	Volk
Brough	Fillely	Huth	Newton	Voss
Brown	Flanagan	Jackson	Northrup	Walters
Buckley	Foley J A	Keller	O'Brian	Waters
Burns	Fowler	Lansing	Oliver	Weber
Burzynski	Francis	Lee	Parker	Weimert
Cavanaugh	Frisbie	Lewis	Phillips	West
Cole	Ganly	Lowe	Prentice	Whitley
Colné	Geoghagan	Lupton	Reece	Whitney F G
Conrad	Gluck	Maher	Robinson	Whitney G H
Croak	Glynn	Mallon	Rogers	Winters
Cunningham	Goldberg	Mance	Schmidt	Wood
De Groot	Green	Marlatt	Schulz	Yale
Dobbs	Hackett	McCue	Schwegler	Young
Donnelly	Hamilton			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2917) entitled "An act authorizing the Newark and Marion Railway Company to use locomotive steam power as a motive power." (Int. No. 1982.)

On motion of Mr. Baldwin, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 1

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	McCue	Sheridan
Apgar	Dowling	Hamn	Mead	Sinclair
Averill	Draper	Harawitz	Miller	Smith A E
Baumann	Dudley	Harper	Mills	Smith C
Boshart	Eagleton	Hart	Mooney	Stevenson
Brady	Eggleston	Hoey	Moreland	Surpress
Brooks	Eichhorn	Holmes	Murphy G W	Volk
Brough	Feth	Hubbs	Nevins	Voss
Brown	Filley	Huth	Newton	Walters
Buckley	Flanagan	Jackson	Northrup	Waters
Burns	Foley J A	Keller	O'Brian	Weber
Burzynski	Fowler	Lansing	Oliver	Weimert
Cavanaugh	Francis	Lee	Parker	West
Cole	Frisbie	Lewis	Phillips	Whitley
Collins	Ganly	Lowe	Prentice	Whitney F G
Colné	Geoghagan	Lupton	Reece	Whitney G H
Conrady	Gluck	Maher	Robinson	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett			

In the negative:

Rogers

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2918) entitled "An act authorizing the Marcellus and Otisco Rail-

way Company to use locomotive steam power as a motive power." (Int. No. 1981.)

On motion of Mr. Baldwin, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 1

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	McCue	Sheridan
Apgar	Dowling	Hamn	Mead	Sinclair
Averill	Draper	Harawitz	Miller	Smith A E
Baumann	Dudley	Harper	Mills	Smith C
Boshart	Eagleton	Hart	Mooney	Stevenson
Brady	Eggleston	Hoe	Moreland	Surpluss
Brooks	Eichhorn	Holmes	Murphy G W	Volk
Brough	Feth	Hubbs	Nevins	Voss
Brown	Filley	Huth	Newton	Walters
Buckley	Flanagan	Jackson	Northrup	Waters
Burns	Foley J A	Keller	O'Brian	Weber
Burzynski	Fowler	Lansing	Oliver	Weimert
Cavanaugh	Francis	Lee	Parker	West
Cole	Frisbie	Lewis	Phillips	Whitley
Collins	Ganly	Lowe	Prentice	Whitney F G
Colné	Geoghagan	Lupton	Reece	Whitney G H
Conrady	Gluck	Maher	Robinson	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett			

In the negative:

Rogers

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 1857) entitled "An act to authorize the city of Lockport to borrow money, by the issue of bonds, to rebuild, restore and re-furnish the High street school building, and the heating, ventilating and closet system therein." (Rec. No. 517.)

On motion of Mr. C. F. Foley, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

To the Legislature:

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1192, No. 1857) entitled "An act to authorize the city of Lockport to borrow money, by the issue of bonds, to rebuild, restore and refurnish the High street school building, and the heating, ventilating and closet system therein."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twentieth day of June in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES. 103

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpless
Brooks	Eichhorn	Holmes	Nevins	Volk

Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1858) entitled "An act to legalize bonds of the village of Old Forge, issued for the purpose of defraying the expense of establishing a system of water works in and for said village and supplying its inhabitants with water, and to legalize all proceedings of the board of trustees in relation thereto, including the resolution submitted to the qualified electors of said village at a special election held on the fifth day of November, nineteen hundred and six, and all proceedings of said board of trustees in relation and subsequent thereto, and to provide for the payment of the principal and interest of said bonds." (Rec. No. 518.)

On motion of Mr. Ferguson, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

To the Legislature:

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1193, No. 1858) entitled "An act to legalize bonds of the village of Old Forge issued for the purpose of defraying the expense of establishing a system of water works in and for said village, and sup-

plying its inhabitants with water, and to legalize all proceedings of the board of trustees in relation thereto, including the resolutions submitted to the qualified electors of said village at a special election held on the fifth day of November, nineteen hundred and six, and all proceedings of said board of trustees in relation and subsequent thereto, and to provide for the payment of the principal and interest of said bonds."

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twentieth day of June in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpluss
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Côlné	Geoghagan	Lupton	Robinson	Whitney G H
Conrad	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1846) entitled "An act to amend the Insurance Law, relating to the certificate of authority of agents and to the election of directors" (Rec. No. 511). Said bill having been announced for second reading,

Mr. Rogers moved to amend as follows:

On page 16, strike out lines 14 to 23 inclusive, as follows:

" 34. No officer, salaried agent or employee shall, within the period between the filing of the nominations and the election, during business hours, devote any of his time in soliciting votes in support of or in opposition to any candidate or list of candidates in connection with any such election. No officer, agent or employee shall compel or coerce any other officer, agent or employee to support, work for, or oppose any candidate or any list of candidates. The stationery or supplies of the company or office space devoted to the conduct of its business shall not be used for furthering the interest of any ticket or candidate thereon." and insert in lieu thereof the following:

" 34. No officer other than a candidate for director and no agent or employee of the company shall within the period between the filing of nominations and the election, solicit any vote or proxy or receive any ballot or proxy in connection with any such election. This shall not prevent any person from exercising his right to otherwise participate in such election as a policyholder. The stationery or supplies of the company, or office space devoted to the conduct of its business shall not be used for furthering the interest of any ticket or any candidate thereon. No officer, agent or employee of the company shall ask, coerce or compel any other officer, agent or employee of the company to support, work for, or oppose any ticket or any candidate thereon."

On motion of Mr. Moreland, and by unanimous consent, said bill, with pending amendments, was made a special order on second and third reading for Tuesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2920) entitled "An act to amend chapter one hundred and ninety of the Laws of eighteen hundred and seventy-eight, entitled 'An

act to protect the Seaside boulevard and meadows adjacent thereto on the south shore of Staten Island, and to prevent the same from being injured or overflowed by the waters of the bay of New York, in relation to the removal of sand, earth or clay." (Int. No. 1983.)

On motion of Mr. Croak, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoe	Murphy G W	Surplless
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrad	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1786) entitled "An act to amend the Transportations Corporations Law, relative to compelling installation of telephones" (Int.

No. 1406). Said bill having been announced for a second reading,

On motion of Mr. Lewis, and by unanimous consent, said bill was made a special order on second and third reading for Tuesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2923) entitled "An act to legalize certain high school bonds of the city of Syracuse." (Int. No. 1985.)

On motion of Mr. Schoeneck, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 104

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sinclair
Apgar	Dowling	Hamn	Miller	Smith A E
Averill	Draper	Harawitz	Mills	Smith C
Baumann	Dudley	Harper	Mooney	Stevenson
Boshart	Eagleton	Hart	Moreland	Surplless
Brady	Eggleston	Hoey	Murphy G W	Volk
Brooks	Eichhorn	Holmes	Nevins	Voss
Brough	Feth	Hubbs	Newton	Wainwright
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrad	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue	Sheridan	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2184) entitled "An act to reimburse the city of New York for

the cost and expense of constructing the westerly sixty-five feet of the exterior street along the westerly shore of the East river between East Sixty-fourth street and East Eighty-first street in said city" (Int. No. 1622). Said bill having been announced for a second reading,

On motion of Mr. Burns, and by unanimous consent, said bill was made a special order on second and third reading for Tuesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2921) entitled "An act making a reappropriation of an unexpended balance of an appropriation for the department of public buildings for the purpose of lighting and heating the tower rooms of the Capitol" (Int. No. 1984). Said bill having been announced for a second reading,

On motion of Mr. Moreland, and by unanimous consent, said bill was made a special order on second and third reading for Tuesday next, immediately after the reading of the journal.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill (No. 1585, Int. No. 1057) entitled "An act to amend the Greater New York charter, in relation to police matrons," with a message that said mayor, after a public hearing thereon, does not approve said bill, and does not accept the same.

Mr. Speaker stated the question to be, "Shall this bill pass notwithstanding the objections of the mayor of the city of New York thereto?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 100

NOES 2

Those who voted in the affirmative were:

Allen	Dobbs	Hackett	Marlatt	Sheridan
Apger	Dowling	Hamilton	Mead	Sinclair
Averill	Draper	Hamn	Mills	Smith A E
Baumann	Dudley	Harawitz	Mooney	Smith C
Boshart	Eagleton	Harper	Moreland	Stevenson

Brady	Eggleston	Hart	Murphy G W	Surpless
Brooks	Eichhorn	Hoey	Nevins	Volk
Brough	Feth	Holmes	Newton	Voss
Brown	Filley	Hubbs	Northrup	Walters
Buckley	Flanagan	Huth	O'Brian	Waters
Burns	Foley J A	Jackson	Oliver	Weber
Burzynski	Fowler	Keller	Parker	Weimert
Cavanaugh	Francis	Lansing	Phillips	West
Cole	Frisbie	Lee	Prentice	Whitley
Collins	Ganly	Lewis	Reece	Whitney F G
Colné	Geoghagan	Lowe	Robinson	Whitney G H
Conrady	Gluck	Lupton	Rogers	Winters
Croak	Glynn	Maher	Schmidt	Wood
Cunningham	Goldberg	Mallon	Schulz	Yale
De Groot	Green	Mance	Schwegler	Young

Those who voted in the negative were:

Donnelly McCue

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

By unanimous consent, Mr. Prentice offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on rules be discharged from the further consideration of the bill (No. 2928, Int. No. 1986) entitled "An act to amend the primary election law, in relation to the time of preparing and certifying statements and forms for an official ballot."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Prentice, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3, of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 1986, Rec. No. 2928) entitled "An act to amend the Primary Election Law,

in relation to the time of preparing and certifying statements and forms for an official ballot."

Given under my hand and the privy seal of the State at the Capitol in the city of Albany, this twenty-fourth day of June in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	McCue	Sheridan
Apgar	Dowling	Hamn	Mead	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudlev	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpless
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrad	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cuningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett			

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

A message was received from the Senate, in words following:

IN SENATE, *June 24, 1907.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 1274, reprint No. 1771, Rec. No. 275) entitled "An act to amend chapter three hundred of the laws of nineteen hundred and four, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls.'"

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Franchot, and by unanimous consent, the same was amended as follows:

Page 5, line 5, after the word "salaries" insert the words "or compensation", and after the word "officers" insert the word "employees".

Page 37, strike all of section 30 and renumber sections accordingly.

Said bill as amended was reprinted, re-engrossed, and, having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,

Clerk.

Said bill having been announced, Mr. C. F. Foley moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpluss
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert J

Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue		

A message from the Governor was received and read, in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER.

- To the Legislature:

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 861, printed No. 1771) entitled "An act to amend chapter three hundred of the laws of nineteen hundred and four, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls.' "

Given under my hand and the privy seal of the State at the Capitol in the city of Albany, this twenty-fourth day of June in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER,

Secretary to the Governor.

Said bill, as amended, was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	McCue	Sheridan
Apgar	Dowling	Hamn	Mead	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C

Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpless
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill and, as amended, have again passed the same.

A communication was received from Hon. Edward F. Brush, mayor of the city of Mount Vernon, returning Assembly bill (No. 2829, Int. No. 1412) entitled "An act to amend chapter one hundred and eighty-two of the Laws of eighteen hundred and ninety-two, entitled 'An act to incorporate the city of Mount Vernon,' relative to the appointment of a deputy commissioner of public works and the submission of a proposition therefor," with a message that said mayor, and the common council of said city, after a public hearing thereon, do not approve said bill, and do not accept the same.

Mr. Speaker stated the question to be, "Shall this bill pass notwithstanding the objections of the mayor and the common council, the legislative body of the city of Mount Vernon thereto?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 102

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	McCue	Sheridan
Apgar	Dowling	Hamn	Mead	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C

Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hastings	Murphy G W	Surplless
Brooks	Eichhorn	Hoey	Nevins	Volk
Brough	Feth	Holmes	Newton	Voss
Brown	Filley	Hubbs	Northrup	Walters
Buckley	Flanagan	Huth	O'Brian	Waters
Burns	Foley J A	Jackson	Oliver	Weber
Burzynski	Fowler	Keller	Parker	Weimert
Cavanaugh	Francis	Lansing	Phillips	West
Cole	Frisbie	Lee	Prentice	Whitley
Collins	Ganly	Lewis	Reece	Whitney F G
Colné	Geoghagan	Lowe	Robinson	Whitney G H
Conrady	Gluck	Lupton	Rogers	Winters
Croak	Glynn	Maher	Schmidt	Wood
Cunningham	Goldberg	Mallon	Schulz	Yale
De Groot	Green	Mance	Schwegler	Young
Dobbs	Hackett	Marlatt		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

By unanimous consent, Mr. Miller called up Assembly bill (No. 2645, Int. No. 1843) entitled "An act to amend chapter five hundred and eighty-eight of the Laws of eighteen hundred and ninety-eight, entitled 'An act to erect the county of Nassau from the territory now comprised within the limits of the towns of Oyster Bay, North Hempstead and Hempstead, in the county of Queens,' relative to the salary of the county superintendent of the poor."

Said bill having been announced, Mr. Miller moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surplless
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup]	Walters

Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue		

Mr. Miller moved that said bill be recommitted to the committee on internal affairs, with instructions to report the same forthwith amended as follows:

Page 2, line 17, place bracket before the word "and".

Line 19, strike out brackets about the word "five" and the word "twelve" and insert bracket after the word "dollars."

Line 21, at end of line, insert the following: "and the annual salary of the county superintendent of the poor shall be fixed by the board of supervisors;"

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Apgar, from the committee on internal affairs, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

A message was received from the Senate, in words following:

IN SENATE, *June 13, 1907.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 837, Assembly reprint No. 2802, Senate reprint No. 1855, Rec. No. 225) entitled "An act to amend the Greater New York charter, in relation to inferior courts of criminal jurisdiction."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Agnew, and by unanimous consent, the same was amended by restoring said bill to the form, Assembly printed number 2697.

Said bill, as amended, was reprinted, re-engrossed, and, having been on the desks of the members three legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,

Clerk.

Said bill having been announced, Mr. Prentice moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpluss
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue		

Said bill, as amended, was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C

Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpluss
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

The Senate returned the Assembly bill (No. 2660, Senate reprint No. 1851, Int. No. 1638) entitled "An act to amend the Penal Code, in relation to the punishment for the crime of burglary," with a message that they have concurred in the passage of the same, with the following amendments:

On page 2, line 7, after "term" strike out the rest of the line and insert in lieu thereof "of". Same page, line 8, strike out the bracket before "not" and after "ten". Same page and line, after "years" strike out the period and insert a comma and the following: "nor more than forty years."

Mr. Prentice moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Thos who voted in the affirmative were:

Allen	Donnelly	Hamilton	Mead	Sheridan
Apgar	Dowling	Hamn	Miller	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C

Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpless
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H
Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett	McCue		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

Mr. Eggleston offered for the consideration of the House a resolution, in the words following:

Resolved, That there be printed for the use of the Assembly five hundred additional copies of Assembly bill (printed No. 2055, Int. No. 1126) entitled "An act to amend the agricultural law, in relation to the sale of apples, pears and peaches."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Allen	Donnelly	Hamilton	McCue	Sheridan
Apgar	Dowling	Hamn	Mead	Sinclair
Averill	Draper	Harawitz	Mills	Smith A E
Baumann	Dudley	Harper	Mooney	Smith C
Boshart	Eagleton	Hart	Moreland	Stevenson
Brady	Eggleston	Hoey	Murphy G W	Surpless
Brooks	Eichhorn	Holmes	Nevins	Volk
Brough	Feth	Hubbs	Newton	Voss
Brown	Filley	Huth	Northrup	Walters
Buckley	Flanagan	Jackson	O'Brian	Waters
Burns	Foley J A	Keller	Oliver	Weber
Burzynski	Fowler	Lansing	Parker	Weimert
Cavanaugh	Francis	Lee	Phillips	West
Cole	Frisbie	Lewis	Prentice	Whitley
Collins	Ganly	Lowe	Reece	Whitney F G
Colné	Geoghagan	Lupton	Robinson	Whitney G H

Conrady	Gluck	Maher	Rogers	Winters
Croak	Glynn	Mallon	Schmidt	Wood
Cunningham	Goldberg	Mance	Schulz	Yale
De Groot	Green	Marlatt	Schwegler	Young
Dobbs	Hackett			

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 21, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2126, Int. No. 1464) entitled "An act to amend chapter six hundred and forty-six of the laws of nineteen hundred and five, entitled 'An act to provide for the construction and maintenance of a sanitary trunk sewer and a sanitary outlet sewer in the county of Westchester, and to provide means for the payment therefor,' generally."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 11, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2055, Int. No. 1126) entitled "An act to amend the agricultural law, in relation to the sale of apples, pears and peaches."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER.

ALBANY, June 21, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 836,

Senate reprint No. 1335, Int. No. 771) entitled "An act making appropriations for the state charitable institutions, the New York state school for the blind, the Elmira reformatory, and the Eastern New York reformatory."

CHARLES E. HUGHES.

Mr. Moreland offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 836, Senate reprint No. 1335, Int. No. 771) entitled "An act making appropriations for the state charitable institutions, the New York state school for the blind, the Elmira reformatory, and the Eastern New York reformatory," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Wainwright offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2126, Int. No. 1464) entitled "An act to amend chapter six hundred and forty-six of the laws of nineteen hundred and five, entitled 'An act to provide for the construction and maintenance of a sanitary trunk sewer and a sanitary outlet sewer in the county of Westchester, and to provide means for the payment therefor,' generally," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Eggleston offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 2055, Int. No. 1126) entitled "An act to amend the agricultural law, in relation to the sale of apples, pears and peaches," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. C. F. Foley offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 1179, Int. No. 1020) entitled "An act to amend the penal code, relating to the issue and redemption of trading stamps and similar devices," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. M. Smith offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill (No. 2036, Int. No. 1402) entitled "An act to establish a police fund for the city of Poughkeepsie," for the purposes of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 24, 1907.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 1665, Rec. No. 413) entitled "An act to amend chapter three hundred and forty-eight of the laws of eighteen hundred and eighty-five, entitled 'An act to authorize the appointment of stenographers for grand juries, and to fix the compensation of such stenographers,' relative to the appointment of stenographers to take evidence before grand juries and at coroner's inquests and examinations and trials of criminal cases," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 24, 1907.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 1771, Rec. No. 275) entitled "An act to amend chapter three hundred of the laws of nineteen hundred and four, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls,' " for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 836, Senate reprint No. 1335, Int. No. 771) entitled "An act making appropriations for the State charitable institutions, the New York State School for the Blind, the Elmira Reformatory and the Eastern New York Reformatory," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2126, Int. No. 1464) entitled "An act to amend chapter six hundred and forty-six of the Laws of nineteen hundred and five, entitled 'An act to provide for the construction and maintenance of a sanitary trunk sewer and a sanitary outlet sewer in the county of Westchester, and to provide means for the payment therefor,' generally," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2055, Int. No. 1126) entitled "An act to amend the Agricultural Law, in relation to the sale of apples, pears and peaches," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill (No. 1179, Int. No. 1020) entitled "An act to amend the Penal Code, relating to the issue and redemption of trading stamps and similar devices," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment, Assembly bill No. 2036, Int. No. 1402) entitled "An act to establish a police pension fund for the city of Poughkeepsie," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution in relation to the preparation and publication of the memorial services volume, with a message that they have concurred in the passage of the same.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, *June 24, 1907.*

To the Assembly:

I return herewith, without my approval, Assembly bill (No. 1142, Senate reprint No. 1718) entitled "An act relating to retirement of veterans employed by the State or any civil division thereof; granting pensions to veterans and providing for the payment thereof."

This bill provides for a pension to every soldier, sailor or marine honorably discharged from the Army or Navy of the United States in the late Civil War, who served therein at least ninety days and who has been employed for a continuous period

of fifteen years or more in the civil or military service of the State, or of any city, county, town or village thereof, upon reaching the age of sixty-five years, and becoming incapacitated for performing the duties of his employment.

Apart from the question of the advisability of establishing a system of pensions either for the veterans of the Civil War or for those who have rendered service to the State, this bill is clearly objectionable. It is just to neither class and involves an indefensible discrimination.

If the State were to allow pensions upon the ground of service in the Civil War, there is no reason why the benefit should be limited to those veterans who have been employed by the State or by a municipality. On the other hand, if a civil service pension were to be established, there is no reason why the benefit should be limited to veterans and other civil servants should be debarred.

CHARLES E. HUGHES.

On motion of Mr. Burns, said message, together with said bill, was ordered laid upon the table.

On motion of Mr. Moreland, the House adjourned.

TUESDAY, JUNE 25, 1907.

The House met pursuant to adjournment.

Prayer by Rev. H. M. Oberholtzer, Troy.

On motion of Mr. Moreland, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. Whitley gives notice that he requests that Assembly bill (No. 2800, Int. No. 1915) entitled "An act in relation to the police and fire departments of the city of Rochester," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. A. E. Smith gives notice that he requests that Assembly bill (No. 2896, Int. No. 1969) entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which John C. McGee, formerly a patrolman in the police

department of the said city, was dismissed from said department in the year nineteen hundred and two, and to reinstate him in the position formerly held by him," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Oliver gives notice that he requests the Senate bill (No. 1854, Rec. No. 513) entitled "An act to amend the Greater New York charter, relative to city magistrates," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

By unanimous consent, Mr. Moreland introduced a bill entitled "An act making an appropriation for expenses of the Senate and Assembly and supplying deficiencies in former appropriations" (Int. No. 1987), which was read the first time and referred to the committee on ways and means.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Whitley (No. 2800, Int. No. 1915), entitled "An act in relation to the police and fire departments of the city of Rochester."

Also, Assembly bill introduced by Mr. A. E. Smith (No. 2896, Int. No. 1969), entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which John C. McGee, formerly a patrolman in the police department of the said city, was dismissed from said department in the year nineteen hundred and two, and to reinstate him in the position formerly held by him," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading, immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred the Senate bill introduced by Mr. Harte (No. 1854, Rec. No. 513), entitled "An act to amend the Greater New York

charter, relative to city magistrates," reported in favor of the passage of the same, with the following amendments:

Page 2, line 1, bracket the word "fourteen".

Page 2, line 1, after the word "fourteen" insert "sixteen".

Page 2, line 12, strike out the bracket.

Page 2, line 14, after the word "division" insert "and one city magistrate resident of the second division".

Page 2, line 16, strike out the bracket and the words "their successors shall be appointed by the mayor".

Page 2, line 17, strike out the word "and".

Page 2, line 17, commencing with the word "to" strike out all down to and including the word "predecessors" on line 19.

Page 2, line 19, before the word "upon" insert "the successors of all said [fourteen] sixteen magistrates in the first division and sixteen in the second division shall be appointed by the mayor and shall hold office for the term of ten years."

Page 6, line 11, commencing with the word "within" strike out the balance of the page and insert in place thereof the following:

"§ 2. Section thirteen hundred and ninety-six of the Greater New York charter is hereby amended to read as follows:

" OTHER APPOINTEES.

"§ 1396. The said board of city magistrates in the first division may appoint police clerks' assistants, stenographers, interpreters and other necessary attendants. Such appointees, including those in office when this act takes effect, shall hold their respective positions so long as they are faithful, capable and of good conduct, and before removal, for want of either or all of said qualifications, the individual against whom charges are made shall have notice thereof, and an opportunity to make an explanation in the presence of the board, and the reasons for any removal shall be briefly entered in the minutes. The police clerk's assistants, and other assistants in any city magistrate's court, shall obey the reasonable directions of the police clerk assigned to that court, subject, however, to the proper orders of the city magistrate presiding and of the board of city magistrates. The number of police clerks' assistants in the first division shall not exceed [eighteen] twenty-two. Police clerks' assistants in the boroughs of Manhattan and the Bronx, shall receive a salary not exceeding two thousand dollars per annum. The salary of the stenographers shall not exceed, in the first division and the borough of Brooklyn two thousand dollars per annum; in the other boroughs, eighteen hundred dollars per annum. There shall be no clerks'

assistants in the boroughs of Queens and Richmond, except as provided in the next section.

"§ 3. The Greater New York charter is hereby amended by inserting therein a new section to be section thirteen hundred and ninety-seven-a thereof, to read as follows:

" NIGHT SESSION.

"§ 1397-a. After the number of magistrates in the first division shall have been increased to sixteen, by appointment of the mayor pursuant to law, the board of city magistrates of the first division shall provide for the holding of a night session of the court to be held in such place and during such hours of each night as the board may direct and shall make assignments of magistrates to hold the same.

"§ 4. The comptroller shall issue revenue bonds in such amount as may be required to provide during the current year for the additional expenditures necessitated by this act.

"§ 5. The mayor of the city of New York shall within thirty days after this act takes effect appoint two city magistrates, residents of the first division, who shall possess the qualifications prescribed in section fourteen hundred and one of this act, and who shall hold office for the term of ten years, and who together with the present members of the board of city magistrates for the first division shall constitute the full board of sixteen members provided for by this act. Also one city magistrate at large in the second division who shall be a resident and elector of the borough of Queens and who shall hold office for the term of ten years.

"§ 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

"§ 7. This act shall take effect immediately."

and that the same be reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after consideration of the special orders on third reading theretofore reported, which report was agreed to, and said bill ordered reprinted, as amended, and that when it shall have been on the desks of the members three calendar legislative days it be made a special order on second and third reading immediately after the consideration of the special orders on third reading theretofore reported.

Mr. Speaker announced the special order, being the bill (No. 1786) entitled "An act to amend the Transportations Corporations Law, relative to compelling installation of telephones" (Int. No.

1406). Said bill having been announced for second reading, Mr. Lewis moved to amend as follows:

Page 1, line 9, after word "system" insert "used for other than toll purposes exclusively".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to special order of second and third reading.

Mr. Speaker announced the special order, being the bill (No. 2184) entitled "An act to reimburse the city of New York for the cost and expense of constructing the westerly sixty-five feet of the exterior street along the westerly shore of the East river between East Sixty-fourth street and East Eighty-first street in said city" (Int. No. 1622). Said bill having been announced for a second reading,

On motion of Mr. Sheridan, and by unanimous consent, said bill was made a special order on second and third reading for Wednesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the bill (No. 2921) entitled "An act making a reappropriation of an unexpended balance of an appropriation for the department of public buildings for the purpose of lighting and heating the tower rooms of the Capitol." (Int. No. 1984.)

On motion of Mr. Moreland, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Dominy	Hackett	McCue	Sinclair
Apgar	Dowling	Haines	Mead	Smith A E
Baldwin	Draper	Hamilton	Merritt	Smith C
Baumann	Dudley	Hammond	Miller	Smith Myron

Blue	Duell	Harawitz	Mills	Staley
Bohan	Eagleton	Harper	Mooney	Stern
Boshart	Eggleston	Harris	Moreland	Stevenson
Brady	Eichhorn	Hart	Murphy C F	Stratton
Brooks	Farrell	Hoey	Murphy G W	Surpluss
Brough	Ferguson	Holmes	Nevins	Todd
Brown	Feth	Hooper	Newton	Volk
Buckley	Filley	Hubbs	Northrup	Waddell
Burhyte	Flanagan	Hurd	Norton	Wagner
Burns	Foley C F	Huth	O'Brian	Wainwright
Burzynski	Foley J A	Jackson	Oliver	Walters
Cavanaugh	Fowler	Jacobs	Parker	Waters
Chamberlain	Francis	Keller	Patton	Weber
Cole	Ganly	Lansing	Phillips	Weimert
Collins	Garbe	Lee	Prentice	Wells
Colné	Geoghagan	Lewis	Ralston	West
Conklin	Glore	Lowe	Reece	Whitley
Conrady	Gluck	Lupton	Rogers	Whitney F G
Croak	Glynn	Maher	Schmidt	Whitney G H
Cunningham	Goldberg	Mallon	Schoeneck	Winters
Cuvillier	Gray	Mance	Schulz	Wood
De Groot	Green	Marlatt	Sheridan	Young
Dobbs	Gunderman	Matthews	Shuttleworth	

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 291, Assembly reprint No. 2915) entitled "An act to amend chapter four hundred and sixty-six of the Laws of nineteen hundred and one (the Greater New York charter) by providing for the licensing of theatre ticket brokers and the regulation of the theatre brokerage business." (Rec. No. 488.)

Said bill having been announced for second reading,

On motion of Mr. Oliver, and by unanimous consent, said bill was made a special order on second and third reading for Wednesday next, immediately after the reading of the journal.

Mr. Speaker announced the special order, being the Senate bill (No. 1173, Assembly reprint No. 2919) entitled "An act to amend the Civil Service Law, relative to examinations." (Rec. No. 310.)

Said bill having been announced for second reading,

Mr. C. F. Foley moved to amend as follows:

Page 2, line 18, after the comma following word "Kingston" remove bracket; also same page, same line, after comma following word "Lockport" remove bracket.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted and restored to special order, second and third reading.

Mr. Speaker announced the special order, being the Senate bill (No. 1846) entitled "An act to amend the Insurance Law, relating to the certificate of authority of agents and to the election of directors." (Rec. No. 511.)

Said bill having been announced, Mr. Speaker stated the question to be upon the amendments offered by Mr. Rogers.

Debate was had thereon.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

AYES 26

NOES 62

Those who voted in the affirmative were:

Averill	Fowler	McCue	Reece	Smith C
Brown	Green	Mead	Rogers	Smith Myron
Conrady	Holmes	Murphy G W	Sheridan	Stanton
Cuvillier	Lupton	Newton	Shuttleworth	Wainwright
Dudley	Mance	Patton	Sinclair	Young
Duell				

Those who voted in the negative were:

Allen	Eagleton	Haines	Maher	Phillips
Baldwin	Eggleston	Hammond	Mallon	Prentice
Blue	Eichhorn	Hamn	Marlatt	Ralston
Brooks	Farrell	Harawitz	Miller	Robinson
Buckley	Ferguson	Harper	Mooney	Schoeneck
Burns	Foley C F	Harris	Moreland	Schwegler
Cole	Foley J A	Hoey	Morgan	Smith A E
Colne	Francis	Hooper	Murphy C F	Surpless
Conklin	Ganly	Lansing	Nevins	Volk
Croak	Garbe	Lewis	Northrup	Voss
De Groot	Glynn	Loos	Oliver	Wells
Dominy	Gunderman	Lowe	Parker	Whitley
Donnelly	Hackett			

On motion of Mr. Moreland, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 12

Those who voted in the affirmative were:

Allen	Dominy	Hammond	Mooney	Sheridan
Apgar	Duell	Hamn	Moreland	Shuttleworth
Averill	Eagleton	Harawitz	Morgan	Smith A E
Baldwin	Eggleston	Harris	Murphy C F	Smith C
Blue	Farrell	Hoey	Murphy G W	Staley
Bohan	Ferguson	Hooper	Nevins	Stanton
Brooks	Foley C F	Hubbs	Oliver	Surpless
Brown	Foley J A	Keller	Parker	Volk
Buckley	Fowler	Lansing	Patton	Voss
Burns	Francis	Lewis	Phillips	Wainwright
Chamberlain	Garbe	Lowe	Prentice	Waters
Cole	Glynn	Lupton	Ralston	Whitley
Conklin	Green	Maher	Reece	Whitney F G
Conrady	Gunderman	Mallon	Robinson	Whitney G H
Croak	Hackett	Marlatt	Schmidt	Wood
De Groot	Haines	McCue	Schoeneck	Yale
Dobbs	Hamilton	Miller	Schwegler	Young

Those who voted in the negative were:

Collins	Dudley	Holmes	Newton	Sinclair
Colne	Eichhorn	Mance	Rogers	Smith Myron
Cuvillier	Harper			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the bill (No. 2800) entitled "An act in relation to the police and fire departments of the city of Rochester." (Int. No. 1915.)

On motion of Mr. Whitley, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Dominy	Hackett	McCue	Sinclair
Apgar	Dowling	Haines	Mead	Smith A E
Baldwin	Draper	Hamilton	Merritt	Smith C
Baumann	Dudley	Hammond	Miller	Smith Myron

Blue	Duell	Harawitz	Mills	Staley
Bohan	Eagleton	Harper	Mooney	Stern
Boshart	Eggleston	Harris	Moreland	Stevenson
Brady	Eichhorn	Hart	Murphy C F	Stratton
Brooks	Farrell	Hoey	Murphy G W	Surpless
Brough	Ferguson	Holmes	Nevins	Todd
Brown	Feth	Hooper	Newton	Volk
Buckley	Filley	Hubbs	Northrup	Waddell
Burhyte	Flanagan	Hurd	Norton	Wagner
Burns	Foley C F	Huth	O'Brian	Wainwright
Burzynski	Foley J A	Jackson	Oliver	Walters
Cavanaugh	Fowler	Jacobs	Parker	Waters
Chamberlain	Francis	Keller	Patton	Weber
Cole	Ganly	Lansing	Phillips	Weimert
Collins	Garbe	Lee	Prentice	Wells
Colné	Geoghagan	Lewis	Ralston	West
Conklin	Glore	Lowe	Reece	Whitley
Conrady	Gluck	Lupton	Rogers	Whitney F G
Croak	Glynn	Maher	Schmidt	Whitney G H
Cunningham	Goldberg	Mallon	Schoeneck	Winters
Cuvillier	Gray	Mance	Schulz	Wood
De Groot	Green	Marlatt]	Sheridan	Young
Dobbs	Gunderman	Matthews	Shuttleworth	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2896) entitled "An act authorizing the police commissioners of the city of New York to rehear the charges upon which John C. McGee, formerly a patrolman in the police department of the said city, was dismissed from said department in the year nineteen hundred and two, and to reinstate him in the position formerly held by him." (Int. No. 1969.)

On motion of Mr. A. E. Smith, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Dominy	Hackett	McCue	Sinclair
Apgar	Dowling	Haines	Mead	Smith A E
Baldwin	Draper	Hamilton	Merritt	Smith C
Baumann	Dudley	Hammond	Miller	Smith Myron

Blue	Duell	Harawitz	Mills	Staley
Bohan	Eagleton	Harper	Mooney	Stern
Boshart	Eggleston	Harris	Moreland	Stevenson
Brady	Eichhorn	Hart	Murphy C F	Stratton
Brooks	Farrell	Hoey	Murphy G W	Surpless
Brough	Ferguson	Holmes	Nevins	Todd
Brown	Feth	Hooper	Newton	Volk
Buckley	Filley	Hubbs	Northrup	Waddell
Burhyte	Flanagan	Hurd	Norton	Wagner
Burns	Foley C F	Huth	O'Brian	Wainwright
Burzynski	Foley J A	Jackson	Oliver	Walters
Cavanaugh	Fowler	Jacobs	Parker	Waters
Chamberlain	Francis	Keller	Patton	Weber
Cole	Ganly	Lansing	Phillips	Weimert
Collins	Garbe	Lee	Prentice	Wells
Colne	Geoghagan	Lewis	Ralston	West
Conklin	Glore	Lowe	Reece	Whitley
Conrady	Gluck	Lupton	Rogers	Whitney F G
Croak	Glynn	Maher	Schmidt	Whitney G H
Cunningham	Goldberg	Mallon	Schoeneck	Winters
Cuvillier	Gray	Mance	Schulz	Wood
De Groot	Green	Marlatt	Sheridan	Young
Dobbs	Gunderman	Matthews	Shuttleworth	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2378, Senate reprint No. 1606, Int. No. 1447) entitled "An act to amend the Greater New York charter, relative to vacations of employees whose compensation is fixed by the day or hour," with a message that said mayor, after a public hearing thereon, does not approve said bill and does not accept the same.

Mr. Speaker stated the question to be, "Shall this bill pass notwithstanding the objections of the mayor of the city of New York thereto?" and it was determined in the affirmative, a majority of all of the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Dominy	Hackett	McCue	Sinclair
Apgar	Dowling	Haines	Mead	Smith A E
Baldwin	Draper	Hamilton	Merritt	Smith C
Baumann	Dudley	Hammond	Miller	Smith Myron

Blue	Duell	Harawitz	Mills	Staley
Bohan	Eagleton	Harper	Mooney	Stern
Boshart	Eggleston	Harris	Moreland	Stevenson
Brady	Eichhorn	Hart	Murphy C F	Stratton
Brooks	Farrell	Hoey	Murphy G W	Surplless
Brough	Ferguson	Holmes	Nevins	Todd
Brown	Feth	Hooper	Newton	Volk
Buckley	Filley	Hubbs	Northrup	Waddell
Burhyte	Flanagan	Hurd	Norton	Wagner
Burns	Foley C F	Huth	O'Brian	Wainwright
Burzynski	Foley J A	Jackson	Oliver	Walters
Cavanaugh	Fowler	Jacobs	Parker	Waters
Chamberlain	Francis	Keller	Patton	Weber
Cole	Ganly	Lansing	Phillips	Weimert
Collins	Garbe	Lee	Prentice	Wells
Colné	Geoghagan	Lewis	Ralston	West
Conklin	Glore	Lowe	Reece	Whitley
Conrady	Gluck	Lupton	Rogers	Whitney F G
Croak	Glynn	Maher	Schmidt	Whitney G H
Cunningham	Goldberg	Mallon	Schoeneck	Winters
Cuvillier	Gray	Mance	Schulz	Wood
De Groot	Green	Marlatt	Sheridan	Young
Dobbs	Gunderman	Matthews	Shuttleworth	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 27, Int. No. 27) entitled "An act to provide for the re-taxation by the Appellate Division of the Supreme Court of the State of New York, for the second judicial department, of the claim of Nelson J. Waterbury, junior, as surviving partner of the firm of N. J. and N. J. Waterbury, junior, for services rendered by them for the city of New York in the trial of the claim of George R. Sheldon, as assignee of William H. DeForest, under the provisions of chapter four hundred and ninety of the Laws of eighteen hundred and eighty-three, entitled 'An act to provide new reservoirs, dams and a new aqueduct with the appurtenances thereto, for the purpose of supplying the city of New York with an increased supply of pure and wholesome water,'" and the acts amendatory thereof," with a message that said mayor, after a public hearing thereon, does not approve said bill and does not accept the same.

Mr. Speaker stated the question to be, "Shall this bill pass notwithstanding the objections of the mayor of the city of New York thereto?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in

favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members at least three legislative calendar days prior to its final passage.

AYES 89

NOES 14

Those who voted in the affirmative were:

Allen	Dobbs	Harris	Mooney	Sinclair
Apgar	Dominy	Hoey	Moreland	Smith A E
Averill	Dowling	Holmes	Morgan	Smith C
Baldwin	Dudley	Hooper	Murphy C F	Smith Myron
Blue	Duell	Hubbs	Murphy G W	Staley
Bohan	Eggleston	Keller	Nevins	Surpluss
Brooks	Eichhorn	Lansing	Norton	Volk
Brown	Ferguson	Lewis	Parker	Voss
Burhyte	Foley C F	Loos	Patton	Wagner
Burns	Fowler	Lowe	Prentice	Wainwright
Cavanaugh	Francis	Lupton	Ralston	Waters
Chamberlain	Ganly	Maher	Reece	Whitley
Cole	Glynn	Mallon	Robinson	Whitney F G
Collins	Green	Mance	Rogers	Whitney G H
Colné	Gunderman	Marlatt	Schmidt	Wood
Conklin	Hackett	Matthews	Schoeneck	Yale
Conrady	Haines	Mead	Sheridan	Young
De Groot	Hammond	Miller	Shuttleworth	

Those who voted in the negative were:

Cuvillier	Fay	Harawitz	McCue	Schwegler
Donnelly	Garbe	Harper	Newton	Wells
Eagleton	Geoghagan	Jacobs	Northrup	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate returned Assembly bill (No. 2191, Senate reprint No. 1821, Int. No. 1628) entitled "An act to amend the Code of Civil Procedure, in relation to the proof required and the contents of an order in an application for the abandonment of condemnation proceedings," with a message that they have concurred in the passage of the same, with the following amendments:

On page 1, line 9, after "shown," strike out the rest of the line and all of line 10.

On page 2, strike out all of line 1 up to and including the word "condemned". Same page, line 9, after "proceedings;" insert "as fixed by the court."

Mr. Miller moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Allen	Dominy	Hackett	McCue	Sinclair
Apgar	Dowling	Haines	Mead	Smith A E
Baldwin	Draper	Hamilton	Merritt	Smith C
Baumann	Dudley	Hammond	Miller	Smith Myron
Blue	Duell	Harawitz	Mills	Staley
Bohan	Eagleton	Harper	Mooney	Stern
Boshart	Eggleston	Harris	Moreland	Stevenson
Brady	Eichhorn	Hart	Murphy C F	Stratton
Brooks	Farrell	Hoey	Murphy G W	Surpless
Brough	Ferguson	Holmes	Nevins	Todd
Brown	Feth	Hooper	Newton	Volk
Buckley	Filley	Hubbs	Northrup	Waddell
Burhyte	Flanagan	Hurd	Norton	Wagner
Burns	Foley C F	Huth	O'Brian	Wainwright
Burzynski	Foley J A	Jackson	Oliver	Walters
Cavanaugh	Fowler	Jacobs	Parker	Waters
Chamberlain	Francis	Keller	Patton	Weber
Cole	Ganly	Lansing	Phillips	Weimert
Collins	Garbe	Lee	Prentice	Wells
Colné	Geoghagan	Lewis	Ralston	West
Conklin	Glore	Lowe	Reece	Whitley
Conrady	Gluck	Lupton	Rogers	Whitney F G
Croak	Glynn	Maher	Schmidt	Whitney G H
Cunningham	Goldberg	Mallon	Schoeneck	Winters
Cuvillier	Gray	Mance	Schulz	Wood
De Groot	Green	Marlatt	Sheridan	Young
Dobbs	Gunderman	Matthews	Shuttleworth	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

Mr. Conklin moved to take from the table his motion to reconsider the vote by which Senate bill (No. 880, Rec. No. 145) entitled "An act to amend section eight hundred and eighty-one of the Code of Civil Procedure, relative to the reading in evidence of the deposition of a party, now deceased in an action brought by decedent's executor or administrator," was lost.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill having been announced, Mr. Conklin moved to reconsider the vote by which said bill was lost.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Allen	Dominy	Hackett	Matthews	Shuttleworth
Apgar	Dowling	Haines	McCue	Sinclair
Baldwin	Draper	Hamilton	Mead	Smith A E
Baumann	Dudley	Hammond	Merritt	Smith C
Blue	Duell	Harawitz	Miller	Smith Myron
Bohan	Eggleston	Harper	Mills	Staley
Boshart	Eichhorn	Harris	Moreland	Stern
Brady	Farrell	Hart	Murphy C F	Stevenson
Brooks	Ferguson	Hoey	Murphy G W	Stratton
Brough	Feth	Holmes	Nevins	Surpless
Brown	Filley	Hooper	Newton	Todd
Buckley	Flanagan	Hubbs	Northrup	Volk
Burhyte	Foley C F	Hurd	Norton	Wagner
Burns	Foley J A	Huth	O'Brian	Wainwright
Cavanaugh	Fowler	Jackson	Oliver	Walters
Chamberlain	Francis	Jacobs	Parker	Waters
Cole	Ganly	Keller	Patton	Weber
Collins	Garbe	Lansing	Phillips	Weimert
Colné	Geoghagan	Lee	Prentice	Wells
Conklin	Glore	Lewis	Ralston	West
Conrady	Gluck	Lowe	Reece	Whitley
Croak	Glynn	Lupton	Rogers	Whitney F G
Cunningham	Goldberg	Maher	Schmidt	Whitney G H
Cuvillier	Gray	Mallon	Schoeneck	Winters
De Groot	Green	Mance	Schulz	Wood
Dobbs	Gunderman	Marlatt	Sheridan	Young

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Haines	McCue	Sinclair
Apgar	Draper	Hamilton	Mead	Smith A E
Baldwin	Dudley	Hammond	Miller	Smith C
Baumann	Duell	Harawitz	Mills	Smith Myron
Blue	Eagleton	Harper	Mooney	Staley
Bohan	Eggleston	Harris	Moreland	Stern
Boshart	Eichhorn	Hart	Murphy C F	Stevenson
Brady	Farrell	Hoey	Murphy G W	Stratton
Brooks	Ferguson	Holmes	Nevins	Surpless
Brough	Feth	Hooper	Newton	Todd
Brown	Fille	Hubbs	Northrup	Volk
Buckley	Flanagan	Hurd	Norton	Waddell
Burhyte	Foley C F	Huth	O'Brian	Wagner
Burns	Foley J A	Jackson	Oliver	Wainwright
Cavanaugh	Fowler	Jacobs	Parker	Walters
Chamberlain	Francis	Keller	Patton	Waters
Cole	Ganly	Lansing	Phillips	Weber
Collins	Garbe	Lee	Prentice	Weimert
Colne	Geoghagan	Lewis	Ralston	Wells
Conklin	Glore	Lowe	Reece	West
Conrady	Gluck	Lupton	Rogers	Whitley
Croak	Glynn	Maher	Schmidt	Whitney F G
Cunningham	Goldberg	Mallon	Schoeneck	Whitney G H
Cuvillier	Gray	Mance	Schulz	Winters
De Groot	Green	Marlatt	Sheridan	Wood
Dobbs	Gunderman	Matthews	Shuttleworth	Young
Dominy	Hackett			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 21, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1675, Senate reprint No. 1436, Int. 1343) entitled "An act to amend the Penal Code, in relation to restricting the powers of peace officers in respect to photographs of prisoners."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 24, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 2036, Int. No. 1402) entitled "An act to establish a police pension fund for the city of Poughkeepsie."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, June 24, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1179, Int. No. 1020) entitled "An act to amend the Penal Code, relating to the issue and redemption of trading stamps and similar devices."

-CHARLES E. HUGHES.

Mr. M. Smith offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur). That Assembly bill (No. 2036, Int. No. 1402) entitled "An act to establish a police pension fund for the city of Poughkeepsie," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. C. F. Foley offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1179, Int. No. 1020) entitled "An act to amend the Penal Code, relating to the issue and redemption of trading stamps and similar devices," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Eagleton offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill (No. 1675, Senate reprint No. 1436, Int. No. 1343) entitled "An act to amend the Penal Code, in relation to restricting the powers of peace officers in respect to photographs of prisoners," be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 25, 1907.*

Resolved (if the Assembly concur), That Senate bill (No. 1377, Rec. No. 352) entitled "An act to prescribe regulations for the review of apportionments by the Legislature or other bodies," be returned to the Governor.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 25, 1907.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 1224, Assembly reprint No. 2542, Rec. No. 262) entitled "An act to provide for preserving the water of the Bronx river from pollution; creating a reservation of the lands on either side of the river; authorizing the taking of lands for that purpose and providing for the payment thereof, and appointing a commission to carry out the purposes of the act," for the purpose of transmitting to the mayors of Yonkers and Mount Vernon.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, May 14, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 89, Int. No. 89), entitled "An act authorizing the police commissioner of the city of New York to appoint John W. Pinkley, an ex-police-man of the city of New York, who resigned from said police department, November twenty-fourth, eighteen hundred and ninety-seven."

CHARLES E. HUGHES.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, April 12, 1907.

To the Assembly:

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill (No. 1340, Int. No. 84) entitled "An act authorizing the board of estimate and apportionment of the city of New York to hear, audit, determine and allow the alleged claim of the Narraganset Machine Company for furnishing to the park board of said city goods, wares and merchandise for use in the parks of the city of New York, borough of the Bronx, and to provide payment of such claim."

CHARLES E. HUGHES.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 2036, Int. No. 1402) entitled "An act to establish a police pension fund for the city of Poughkeepsie," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1179, Int. No. 1020) entitled "An act to amend the Penal Code, relating to the issue and redemption of trading stamps and similar devices," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill (No. 1675, Senate reprint No. 1436, Int. No. 1343) entitled "An act to amend the Penal Code, in relation to restricting the powers of peace officers in respect to photographs of prisoners," with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the Assembly bill (No. 2191, Senate reprint No. 1821, Int. No. 1628) entitled "An act to amend the Code of Civil Procedure, in relation to the proof required and the contents of an order in an application for the abandonment of condemnation proceedings."

Also, Assembly bill (No. 2777, Senate reprint No. 1810, Int. No. 1856) entitled "An act to amend chapter five hundred and sixty-six of the Laws of eighteen hundred and ninety, entitled 'An act in relation to transportation corporations excepting railroad, constituting chapter forty of the general laws,' in relation to town contracts with water corporations."

Also, Assembly bill (No. 2660, Senate reprint No. 1851, Int. No. 1638) entitled "An act to amend the Penal Code, in relation to the punishment for the crime of burglary."

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the bill (No. 2872, Senate reprint No. 1488, No. 2922, Int. No. 346) entitled "An act to amend the Public Health Law, in relation to the retailing of poisons," with a message that they have reconsidered their vote by which said bill passed, and, as amended, have again passed the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the bill (No. 2924, Int. No. 1984) entitled "An act making a reappropriation of an unexpended balance of an appropriation for the Department of Public Build-

ings for the purpose of lighting and heating the tower rooms of the Capitol."

Also, the bill (No. 2928, Int. No. 1986) entitled "An act to amend the Primary Election Law, in relation to the time of preparing and certifying statements and forms for an official ballot," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the bill (No. 2923, Int. No. 1985) entitled "An act to legalize certain high school bonds of the city of Syracuse," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Syracuse.

The Senate returned the bill (No. 1585, Int. No. 1057) entitled "An act to amend the Greater New York charter, in relation to police matrons," with a message that this bill was again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be, "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?"

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the Assembly bill (No. 2378, Senate reprint No. 1606, Int. No. 1447) entitled "An act to amend the Greater New York charter, relative to vacations of employees whose compensation is fixed by the day or hour," with a message that this bill was again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be, "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?"

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the bill (No. 2118, reprint No. 2829, Int. No. 1412) entitled "An act to amend chapter one hundred and eighty-two of the Laws of eighteen hundred and ninety-two, entitled 'An act to incorporate the city of Mount Vernon,' relative to the appointment of a deputy commissioner of public works

and the submission of a proposition therefor," with a message that this bill was again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be, "Shall this bill pass notwithstanding the objection of the mayor of the city of Mount Vernon thereto?"

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2884, Int. No. 1615) entitled "An act to amend the Greater New York charter, relative to the appointment of teachers in the public schools," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2416, Int. No. 1722) entitled "An act empowering the sinking fund commission of the city of New York to vacate and cancel certain assessments for public improvements upon the real property of the Church of Saint Nicholas Tolentine of the borough of the Bronx," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2043, Int. No. 990) entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in relation to the jurisdiction of such court," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Henry S. Clarke, mayor of the city of New Rochelle, returning Assembly bill (No. 2522, Int. No. 1431) entitled "An act to authorize the city of New Rochelle to borrow money by the issue of bonds for the purpose of meeting deficiencies in the funds of said city," with

a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Henry S. Clarke, mayor of the city of New Rochelle, returning Assembly bill (No. 2866, Int. No. 1958) entitled "An act creating a board of public works in the city of New Rochelle, prescribing its powers and duties, conferring upon such board the duties of the commissioners of sewers, abolishing the office of city engineer and increasing the duties of superintendent of streets," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. W. P. Crane, mayor of the city of Kingston, returning Assembly bill (No. 2907, Int. No. 1976) entitled "An act to legalize certain acts of the mayor and common council of the city of Kingston in relation to grading certain streets and constructing sewers therein and validating the acts of the common council and assessor in letting contracts, and for levying assessments and collecting taxes for such improvements," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2270, Senate reprint No. 1808, Int. No. 611) entitled "An act to amend the Greater New York charter, relative to salaries of the members of the fire department," with a message that said mayor, after a public hearing thereon, does not approve said bill and does not accept the same.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2053, Int. No. 847) entitled "An act in relation to claims filed in the office of the comptroller or other financial officer of cities of one million inhabitants or over," with a message that said mayor, after a public hearing thereon, does not approve said bill and does not accept the same.

On motion of Mr. Moreland, the House adjourned.

WEDNESDAY, JUNE 26, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Payson E. Pierce, Rensselaer.

On motion of Mr. Moreland, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. Speaker presented the Sixtieth Annual Report of the State Museum, which was laid upon the table and ordered printed.

(See Document No. —.)

Mr. Burhyte gives notice that he requests that Assembly bill (No. 2912, Int. No. 1979) entitled "An act to amend the Highway Law, relative to poll taxes and the amount to be paid by the State to towns which have adopted the money system," a copy of which is hereto annexed, be made a special order and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Dobbs gives notice that he requests that Assembly bill (No. 1647, Int. No. 1116) entitled "An act to amend the Greater New York charter, in relation to conferring on the City Court jurisdiction in certain condemnation proceedings," a copy of which is hereto annexed, be made a special order and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Dobbs gives notice that he requests that Assembly bill (No. 2676, Int. No. 1115) entitled "An act to amend the Code of Civil Procedure, in relation to the City Court of the city of New York and to provide for certain other matters relating to such court, its officers, attendants and stenographers," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Ferguson gives notice that he requests that Assembly bill (No. 343, Int. No. 342) entitled "An act to restore the Lake Champlain and Carthage road, rendered impassable at Stillwater, on the Beaver river, by reason of a State dam, and making appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the

committee on rules for the purpose of making the said bill a special order on second and third reading.

Mr. Oliver gives notice that he requests that the Senate bill (No. 982, Rec. No. 234) entitled "An act to aid in the erection of a memorial to the late Andrew H. Green in the city of New York and making an appropriation therefor," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Bohan gives notice that he requests that the Senate bill (No. 1775, Rec. No. 466) entitled "An act authorizing the boards of city magistrates of the city of New York to appoint bond clerk," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

The Senate sent for concurrence the following entitled bills:

"An act to amend the Greater New York charter, relative to the department of health pension fund" (No. 1860, Rec. No. 519), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Primary Election Law, in relation to direct nominations and to provide for the expense thereof in the year nineteen hundred and seven" (No. 1852, Rec. No. 520), which was read the first time and referred to the committee on the judiciary.

"An act to legalize and confirm the official acts of notaries public and commissioners of deeds" (No. 1859, Rec. No. 521), which was read the first time.

On motion of Mr. Prentice, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Prentice, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hamilton	Merritt	Sinclair
Averill	Draper	Hammond	Miller	Smith A E
Baldwin	Dudley	Hamn	Mills	Smith C
Blue	Duell	Harawitz	Mooney	Smith Myron
Bohan	Eagleton	Harper	Morgan	Staley
Boshart	Eggleston	Harris	Murphy C F	Stern
Brady	Eichhorn	Hart	Murphy G W	Stevenson
Brooks	Ferguson	Hoey	Nevins	Stratton
Brough	Feth	Holmes	Newton	Surpless
Brown	Filley	Hooper	Northrup	Todd
Buckley	Flanagan	Hubbs	Norton	Volk
Burhyte	Foley C F	Hurd	O'Brian	Voss
Burns	Foley J A	Jackson	Oliver	Waddell
Burzynski	Fowler	Keller	Parker	Wagner
Cavanaugh	Francis	Lansing	Patton	Walters
Chamberlain	Frisbie	Lee	Phillips	Waters
Cole	Ganly	Lewis	Prince	Weber
Colné	Garbe	Loos	Ralston	Weimert
Conklin	Geoghagan	Lowe	Reece	Wells
Conrady	Glore	Luptor	Robinson	West
Croak	Gluck	Maher	Rogers	Whitley
Cunningham	Glynn	Mallon	Schmidt	Whitney F G
Cuvillier	Goldberg	Mance	Schoeneck	Whitney G H
De Groot	Gray	Marlatt	Schulz	Wood
Dobbs	Green	Matthews	Sheridan	Yale
Dominy	Gunderman	McCue	Shuttleworth	Young
Donnelly	Hackett	Mead		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend article five of chapter six hundred and ninety of the Laws of eighteen hundred and ninety-two, entitled 'An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws,' and known as the Insurance law" (No. 1663, Rec. No. 522), which was read the first time and referred to the committee on insurance.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Burhyte (No. 2912, Int. No. 1979), entitled "An act to amend the Highway Law, relative to poll taxes and the amount to be paid by the State to towns which have adopted the money system."

Also, Assembly bill introduced by Mr. Dobbs (No. 1647, Int. No. 1116), entitled "An act to amend the Greater New York charter, in relation to conferring on the City Court jurisdiction in certain condemnation proceedings."

Also, Assembly bill introduced by Mr. Dobbs (No. 2676, Int. No. 1115), entitled "An act to amend the Code of Civil Procedure, in relation to the City Court of the city of New York and to provide for certain other matters relating to such court, its officers, attendants and stenographers."

Also, Assembly bill introduced by Mr. Ferguson (No. 343, Int. No. 342), entitled "An act to restore the Lake Champlain and Carthage road, rendered impassable at Stillwater, on the Beaver river, by reason of a State dam, and making an appropriation therefor," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special order on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred Assembly bill introduced by Mr. Moreland (No. 2926; Int. No. 1987), entitled "An act making an appropriation for expenses of the Senate and Assembly and supplying deficiencies in former appropriations," reported in favor of the passage of the same without amendment, and that the same be made special orders on second reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bill ordered made special order on second reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker, from the committee on rules, to which was referred Senate bill introduced by Mr. Grady (No. 982, Rec. No. 234), entitled "An act to aid in the erection of a memorial to the late Andrew H. Green in the city of New York and making an appropriation therefor."

Also, Senate bill introduced by Mr. McManus (No. 1775, Rec. No. 466), entitled "An act authorizing the boards of city magistrates of the city of New York to appoint bond clerk," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said

bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker announced the special order, being the bill (No. 2912) entitled "An act to amend the Highway Law, relative to poll taxes and the amount to be paid by the State to towns which have adopted the money system." (Int. No. 1979.)

On motion of Mr. Burhyte, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hackett	McCue	Shuttleworth
Averill	Draper	Hamilton	Merritt	Sinclair
Baldwin	Dudley	Hammond	Miller	Smith A E
Blue	Duell	Hamn	Mills	Smith C
Bohan	Eagleton	Harawitz	Mooney	Smith Myron
Boshart	Eggleston	Harper	Morgan	Staley
Brady	Eichhorn	Harris	Murphy C F	Stern
Brooks	Ferguson	Hart	Murphy G W	Stratton
Brough	Feth	Hoe	Nevins	Surples
Brown	Filley	Holmes	Newton	Todd
Buckley	Flanagan	Hooper	Northrup	Volk
Burhyte	Foley C F	Hubbs	Norton	Voss
Burns	Foley J A	Hurd	O'Brian	Waddell
Burzynski	Fowler	Jackson	Oliver	Wagner
Cavanaugh	Francis	Keller	Parker	Walters
Chamberlain	Frisbie	Lansing	Patton	Waters
Cole	Ganly	Lee	Phillips	Weber
Colné	Garbe	Lewis	Prince	Weimert
Conklin	Geoghagan	Loos	Ralston	Wells
Conrady	Glore	Lowe	Reece	West
Croak	Gluck	Lupton	Robinson	Whitley
Cunningham	Glynn	Maher	Rogers	Whitney F G
Cuvillier	Goldberg	Mallon	Schmidt	Whitney G H
De Groot	Gray	Mance	Schoeneck	Wood
Dobbs	Green	Marlatt	Schulz	Yale
Dominy	Gunderman	Matthews	Sheridan	Young
Donnelly				

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 1647) entitled "An act to amend the Greater New York charter, in relation to conferring on the City Court jurisdiction in certain condemnation proceedings." (Int. No. 1116.)

On motion of Mr. Dobbs, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hamilton	Merritt	Sinclair
Averill	Draper	Hammond	Miller	Smith A E
Baldwin	Dudley	Hamn	Mills	Smith C
Blue	Duell	Harawitz	Mooney	Smith Myron
Bohan	Eagleton	Harper	Morgan	Staley
Boshart	Eggleston	Harris	Murphy C F	Stern
Brady	Eichhorn	Hart	Murphy G W	Stevenson
Brooks	Ferguson	Hoey	Nevins	Stratton
Brough	Feth	Holmes	Newton	Surpluss
Brown	Filley	Hooper	Northrup	Todd
Buckley	Flanagan	Hubbs	Norton	Volk
Burhyte	Foley C F	Hurd	O'Brian	Voss
Burns	Foley J A	Jackson	Oliver	Waddell
Burzynski	Fowler	Keller	Parker	Wagner
Cavanaugh	Francis	Lansing	Patton	Walters
Chamberlain	Frisbie	Lee	Phillips	Waters
Cole	Ganly	Lewis	Prince	Weber
Colné	Garbe	Loos	Ralston	Weimert
Conklin	Geoghagan	Lowe	Reece	Wells
Conrady	Glore	Lupton	Robinson	West
Croak	Gluck	Maher	Rogers	Whitley
Cunningham	Glynn	Mallon	Schmidt	Whitney F G
Cuvillier	Goldberg	Mance	Schoeneck	Whitney G H
De Groot	Gray	Marlatt	Schulz	Wood
Dobbs	Green	Matthews	Sheridan	Yale
Dominy	Gunderman	McCue	Shuttleworth	Young
Donnelly	Hackett	Mead		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 2676) entitled "An act to amend the Code of Civil Procedure, in

relation to the City Court of the city of New York and to provide for certain other matters relating to such court, its officers, attendants and stenographers." (Int. No. 1115.)

On motion of Mr. Dobbs, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hamilton	Merritt	Sinclair
Averill	Draper	Hammond	Miller	Smith A E
Baldwin	Dudley	Hamn	Mills	Smith C
Blue	Duell	Harawitz	Mooney	Smith Myron
Bohan	Eagleton	Harper	Morgan	Staley
Boshart	Eggleston	Harris	Murphy C F	Stern
Brady	Eichhorn	Hart	Murphy G W	Stevenson
Brooks	Ferguson	Hoey	Nevins	Stratton
Brough	Feth	Holmes	Newton	Surpless
Brown	Filley	Hooper	Northrup	Todd
Buckley	Flanagan	Hubbs	Norton	Volk
Burhyte	Foley C F	Hurd	O'Brian	Voss
Burns	Foley J A	Jackson	Oliver	Waddell
Burzynski	Fowler	Keller	Parker	Wagner
Cavanaugh	Francis	Lansing	Patton	Walters
Chamberlain	Frisbie	Lee	Phillips	Waters
Cole	Ganly	Lewis	Prince	Weber
Colné	Garbe	Loos	Ralston	Weimert
Conklin	Geoghagan	Lowe	Reece	Wells
Conrady	Glore	Lupton	Robinson	West
Croak	Gluck	Maher	Rogers	Whitley
Cunningham	Glynn	Mallon	Schmidt	Whitney F G
Cuvillier	Goldberg	Mance	Schoeneck	Whitney G H
De Groot	Gray	Marlatt	Schulz	Wood
Dobbs	Green	Matthews	Sheridan	Yale
Dominy	Gunderman	McCue	Shuttleworth	Young
Donnelly	Hackett	Mead		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the bill (No. 343) entitled "An act to restore the Lake Champlain and Carthage road, rendered impassable at Stillwater on the Beaver river,

by reason of a State dam, and making an appropriation therefor." (Int. No. 342.)

On motion of Mr. Ferguson; said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Draper	Hammond	Miller	Smith A E
Averill	Dudley	Hamn	Mills	Smith C
Baldwin	Duell	Harawitz	Mooney	Smith Myron
Blue	Eagleton	Harper	Morgan	Staley
Bohan	Eggleston	Harris	Murphy C F	Stern
Boshart	Eichhorn	Hart	Murphy G W	Stevenson
Brady	Ferguson	Hoey	Nevins	Stratton
Brooks	Feth	Holmes	Newton	Surpluss
Brough	Filley	Hooper	Northrup	Todd
Brown	Flanagan	Hubbs	Norton	Volk
Buckley	Foley C F	Hurd	O'Brian	Voss
Burhyte	Foley J A	Jackson	Oliver	Waddell
Burns	Fowler	Keller	Parker	Wagner
Burzynski	Francis	Lansing	Patton	Walters
Chamberlain	Frisbie	Lee	Phillips	Waters
Cole	Ganly	Lewis	Prince	Weber
Colné	Garbe	Loos	Ralston	Weimert
Conklin	Geoghagan	Lowe	Reece	Wells
Conrady	Glore	Lupton	Robinson	West
Croak	Gluck	Maher	Rogers	Whitley
Cunningham	Glynn	Mallon	Schmidt	Whitney F G
Cuvillier	Goldberg	Mance	Schoeneck	Whitney G H
De Groot	Gray	Marlatt	Schulz	Winters
Dobbs	Green	Matthews	Sheridan	Wood
Dominy	Gunderman	McCue	Shuttleworth	Yale
Donnelly	Hackett	Mead	Sinclair	Young
Dowling	Hamilton	Merritt		

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Speaker announced the special order, being the Senate bill (No. 982) entitled "An act to aid in the erection of a memorial to the late Andrew H. Green, in the city of New York, and making and appropriation therefor." (Rec. No. 234.)

On motion of Mr. Oliver, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hamilton	Merritt	Sinclair
Averill	Draper	Hammond	Miller	Smith A E
Baldwin	Dudley	Hamn	Mills	Smith C
Blue	Duell	Harawitz	Mooney	Smith Myron
Bohan	Eagleton	Harper	Morgan	Staley
Boshart	Eggleston	Harris	Murphy C F	Stern
Brady	Eichhorn	Hart	Murphy G W	Stevenson
Brooks	Ferguson	Hoey	Nevins	Stratton
Brough	Feth	Holmes	Newton	Surpless
Brown	Filley	Hooper	Northrup	Todd
Buckley	Flanagan	Hubbs	Norton	Volk
Burhyte	Foley C F	Hurd	O'Brian	Voss
Burns	Foley J A	Jackson	Oliver	Waddell
Burzynski	Fowler	Keller	Parker	Wagner
Cavanaugh	Francis	Lansing	Patton	Walters
Chamberlain	Frisbie	Lee	Phillips	Waters
Cole	Ganly	Lewis	Prince	Weber
Colné	Garbe	Loos	Ralston	Weimert
Conklin	Geoghagan	Lowe	Reece	Wells
Conrady	Glore	Lupton	Robinson	West
Croak	Gluck	Maher	Rogers	Whitley
Cunningham	Glynn	Mallon	Schmidt	Whitney F G
Cuvillier	Goldberg	Mance	Schoeneck	Whitney G H
De Groot	Gray	Marlatt	Schulz	Wood
Dobbs	Green	Matthews	Sheridan	Yale
Dominy	Gunderman	McCue	Shuttleworth	Young
Donnelly	Hackett	Mead		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1775) entitled "An act authorizing the boards of city magistrates of the city of New York to appoint bond clerk." (Rec. No. 466.)

On motion of Mr. Oliver, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hamilton	Merritt	Sinclair
Averill	Draper	Hammond	Miller	Smith A E
Baldwin	Dudley	Hamn	Mills	Smith C
Blue	Duell	Harawitz	Mooney	Smith Myron
Bohan	Eagleton	Harper	Morgan	Staley
Boshart	Eggleston	Harris	Murphy C F	Stern
Brady	Eichhorn	Hart	Murphy G W	Stevenson
Brooks	Ferguson	Hoey	Nevins	Stratton
Brough	Feth	Holmes	Newton	Surpless
Brown	Filley	Hooper	Northrup	Todd
Buckley	Flanagan	Hubbs	Norton	Volk
Burhyte	Foley C F	Hurd	O'Brian	Voss
Burns	Foley J A	Jackson	Oliver	Waddell
Burzynski	Fowler	Keller	Parker	Wagner
Cavanaugh	Francis	Lansing	Patton	Walters
Chamberlain	Frisbie	Lee	Phillips	Waters
Cole	Ganly	Lewis	Prince	Weber
Colne	Garbe	Loos	Ralston	Weimert
Conklin	Geoghagan	Lowe	Reece	Wells
Conrady	Glore	Lupton	Robinson	West
Croak	Gluck	Maher	Rogers	Whitley
Cunningham	Glynn	Mallon	Schmidt	Whitney F G
Cuvillier	Goldberg	Mance	Schoeneck	Whitney G H
De Groot	Gray	Marlatt	Schulz	Wood
Dobbs	Green	Matthews	Sheridan	Yale
Dominy	Gunderman	McCue	Shuttleworth	Young
Donnelly	Hackett	Mead		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill (No. 291, Assembly reprint No. 2915) entitled "An act to amend chapter four hundred and sixty-six of the Laws of nineteen hundred and one, the Greater New York charter, by providing for the licensing of theatre ticket brokers and the regulation of the

theatre brokerage business" (Rec. No. 488), said bill having been announced for a second reading,

On motion of Mr. Burns, said bill was laid aside, retaining its place on the order of second reading.

Mr. Speaker announced the special order, being the bill (No. 2184) entitled "An act to reimburse the city of New York for the cost and expense of constructing the westerly sixty-five feet of the exterior street along the westerly shore of the East river between East Sixty-fourth street and East Eighty-first street in said city" (Int. No. 1622), said bill having been announced for a second reading,

On motion of Mr. Wagner, said bill was recommitted to the committee on rules, retaining its place on the order of second reading.

Mr. Speaker announced the special order, being the bill (No. 2926) entitled "An act making an appropriation for expenses of the Senate and Assembly and supplying deficiencies in former appropriations." (Int. No. 1987.)

On motion of Mr. Moreland, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it:

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 1987, printed No. 2926) entitled "An act making an appropriation for expenses of the Senate and Assembly and supplying deficiencies in former appropriations."

Given under my hand and the privy seal of the State at the Capitol in the city of Albany, this twenty-sixth day of June, in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 1

Those who voted in the affirmative were:

Allen	Dowling	Hammond	Merritt	Sinclair
Averill	Draper	Hamn	Miller	Smith A E
Baldwin	Dudley	Harawitz	Mills	Smith C
Blue	Duell	Harper	Mooney	Smith Myron
Bohan	Eagleton	Harris	Morgan	Staley
Boshart	Eggleston	Hart	Murphy C F	Stern
Brady	Eichhorn	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surplless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Flanagan	Hurd	Norton	Volk
Burhyte	Foley J A	Jackson	O'Brian	Voss
Burns	Fowler	Keller	Oliver	Waddell
Burzynski	Francis	Lansing	Parker	Wagner
Cavanaugh	Frisbie	Lee	Patton	Walters
Chamberlain	Ganly	Lewis	Phillips	Waters
Cole	Garbe	Loos	Prince	Weber
Colné	Geoghagan	Lowe	Ralston	Weimert
Conklin	Glore	Lupton	Reece	Wells
Conrady	Gluck	Maher	Robinson	West
Croak	Glynn	Mallon	Rogers	Whitley
Cunningham	Goldberg	Mance	Schmidt	Whitney F G
Cuvillier	Gray	Marlatt	Schoeneck	Whitney G H
De Groot	Green	Matthews	Schulz	Wood
Dobbs	Gunderman	McCue	Sheridan	Yale
Dominy	Hackett	Mead	Shuttleworth	Young
Donnelly	Hamilton			

In the negative:

Foley C F

Ordered, That the Clerk engross said bill and deliver the same to the Senate and request their concurrence therein.

Mr. Moreland moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Allen	Duell	Hamn	Moreland	Stanton
Averill	Eagleton	Harawitz	Morgan	Stern
Blue	Eggleston	Harper	Nevins	Stevenson
Brady	Eichhorn	Hart	Newton	Stratton

Brooks	Fay	Hoey	Northrup	Surpless
Brough	Ferguson	Hubbs	Norton	Volk
Brown	Foley C F	Jackson	O'Brian	Voss
Buckley	Foley J A	Jacobs	Oliver	Wagner
Burhyte	Francis	Lansing	Parker	Wainwright
Burzynski	Ganly	Lee	Patton	Walters
Chamberlain	Garbe	Loos	Prentice	Waters
Cole	Geoghagan	Lupton	Ralston	Weber
Collins	Glore	Maher	Reece	Weimert
Colné	Glynn	Mallon	Robinson	Wells
Conklin	Goldberg	Mance	Rogers	Whitley
Conrady	Green	Marlatt	Sheridan	Whitney F G
Croak	Gunderman	Matthews	Shuttleworth	Whitney G H
Cuvillier	Hackett	McCue	Sinclair	Winters
De Groot	Haines	Mead	Smith A E	Wood
Dobbs	Hamilton	Merritt	Smith C	Yale
Dudley	Hammond	Mooney	Smith Myron	

Mr. Moreland moved that the call of the House be made a close call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

A message was received from the Senate, in words following:

IN SENATE, *June 25, 1907.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 1665, reprint No. 1865, Rec. No. 413) entitled "An act to amend chapter three hundred and forty-eight of the Laws of eighteen hundred and eighty-five, entitled 'An act to authorize the appointment of stenographers for grand juries, and to fix the compensation of such stenographers,' relative to the appointment of stenographers to take evidence before grand juries and at coroner's inquests and examinations and trials of criminal cases."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Cassidy, and by unanimous consent, the same was amended as follows:

Page 2, line 5, after the "." insert "and chapter two hundred and twenty-two of the laws of nineteen hundred and seven."

Same page, line 23, after the bracket insert "in the county of Erie, it shall be lawful for the district attorney of such county to appoint two stenographers, each of whom shall have authority to take and transcribe the testimony given before the grand juries in the said county of Erie, and such appointments shall be in writing, under the hand and seal of such district attorney, and shall be filed in the county clerk's office of said county of Erie, (and excepting that)

Said bill, as amended, was ordered reprinted and re-engrossed,

and the necessity of the immediate passage of the same having been certified by the Governor, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Rogers: Mr. Speaker, I desire to raise a preliminary objection to the receipt of this bill from the Senate. I have examined the message from the Senate which accompanies it, and I find that that message states that the bill, after having been amended, was re-engrossed and laid upon the desks of the members for three days and was then passed. The fact of the matter is, as the record also shows, that the bill was amended in the Senate yesterday and not re-engrossed and did not lay upon the desk, and was passed under an emergency message. I raise the point of order that the message must be returned to the Senate for correction before it can be received in this House.

Mr. Speaker: The Chair would state, Mr. Rogers, that he has no official notice that the Senate has made an error.

Mr. Rogers: Well, Mr. Speaker, I beg to advise the Chair that accompanying the bill and accompanying this message from the Senate is a statement of a certificate also that it was amended in the Senate on June 25th, and there is also accompanying it an emergency message which gives to the House official notice that the accompanying message is not correct in fact.

Mr. Speaker: The Chair is of the opinion that he is not permitted to go behind the signature of the Lieutenant-Governor.

Mr. Rogers: Mr. Speaker, the certificate I refer to is the one signed by the Clerk of the Senate. And that is the message transmitting the bill to this House and it is upon that message that I raise the point of order and not upon the certificate of the Lieutenant-Governor.

Mr. Speaker: The Chair understood the point of order was not on the certificate of the Lieutenant-Governor. I am not in a position to question the correctness of the methods of the Senate. They must take the responsibility for that themselves. If the contingency should arise and there be any contest under this law, the responsibility is with the Senate, and it does not rest in this House to correct an error made by the Clerk of the Senate.

Objection being made to the immediate consideration of said message by Mr. Rogers.

Ordered, That said message be referred to the committee on rules.

A message was received from the Senate, in words following:

IN SENATE, *June 26, 1907.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 1545, reprint No. 1866, Rec. No. 361) entitled "An act constituting the charter of the city of Rochester."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Dunn, and by unanimous consent, the same was amended as follows:

Page 68, line 22, strike out the words "heretofore or hereafter adopted".

Page 135, line 9, strike out the word "actual".

Page 138, line 17, strike out the word "actual" and the words "The city is not".

Page 138, strike out lines 18, 19, 20, 21, 22, 23 and 24.

Page 138, line 25, strike out the words "pending of any such injury; and".

Page 138, line 25, capitalize the letter "t" in the word "the".

Page 139, line 5, strike out the words "The city is".

Page 139, strike out lines 6, 7, 8, 9, 10, 11 and 12.

Page 205, line 23, after the word "sale" insert the following: "in case of sales hereafter had and within one year from the time this act takes effect in case of sales heretofore had".

Page 258, line 14, strike out the words "three months" and insert in place thereof the words "thirty days".

Page 258, line 21, strike out the word "or" first appearing and insert in place thereof the word "and".

Page 259, line 5, strike out the words "three months" and insert in place thereof the words "thirty days".

Page 263, line 2, after the word "herewith" insert the following: "are repealed so far as they affect the city of Rochester".

Said bill, as amended, was ordered reprinted and re-engrossed, and the necessity for the immediate passage of the same having been certified by the Governor, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

LAFAYETTE B. GLEASON,

Clerk.

Said bill having been announced, Mr. Averill moved to reconsider the vote by which said bill was passed. Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hammond	Merritt	Sinclair
Averill	Draper	Hamn	Miller	Smith A E
Baldwin	Dudley	Harawitz	Mills	Smith C
Blue	Duell	Harper	Mooney	Smith Myron
Bohan	Eagleton	Harris	Morgan	Staley
Boshart	Eggleston	Hart	Murphy C F	Stern
Brady	Eichhorn	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Flanagan	Hurd	Norton	Volk
Burhyte	Foley C F	Jackson	O'Brian	Voss
Burns	Foley J A	Keller	Oliver	Waddell
Burzynski	Fowler	Lansing	Parker	Wagner
Cavanaugh	Francis	Lee	Patton	Walters
Chamberlain	Ganly	Lewis	Phillips	Waters
Cole	Garbe	Loos	Prince	Weber
Colné	Geoghagan	Lowe	Ralston	Weimert
Conklin	Glore	Lupton	Reece	Wells
Conrady	Gluck	Maher	Robinson	West
Croak	Glynn	Mallon	Rogers	Whitley
Cunningham	Goldberg	Mance	Schmidt	Whitney F G
Cuvillier	Gray	Marlatt	Schoeneck	Whitney G H
De Groot	Green	Matthews	Schulz	Wood
Dobbs	Gunderman	McCue	Sheridan	Yale
Dominy	Hackett	Mead	Shuttleworth	Young
Donnelly	Hamilton			

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it:

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 814, printed No. 1545) entitled "An act constituting the charter of the city of Rochester," as amended.

Given under my hand and the privy seal of the State at the Capitol, in the city of Albany, this twenty-sixth day of June in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hammond	Merritt	Sinclair
Averill	Draper	Hamn	Miller	Smith A E
Baldwin	Dudley	Harawitz	Mills	Smith C
Blue	Duell	Harper	Mooney	Smith Myron
Bohan	Eagleton	Harris	Morgan	Staley
Boshart	Eggleston	Hart	Murphy C F	Stern
Brady	Eichhorn	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Flanagan	Hurd	Norton	Volk
Burhyte	Foley C F	Jackson	O'Brian	Voss
Burns	Foley J A	Keller	Oliver	Waddell
Burzinsky	Fowler	Lansing	Parker	Wagner
Cavanaugh	Francis	Lee	Patton	Walters
Chamberlain	Ganly	Lewis	Phillips	Waters
Cole	Garbe	Loos	Prince	Weber
Colné	Geoghagan	Lowe	Ralston	Weimert
Conklin	Glore	Lupton	Reece	Wells
Conrady	Gluck	Maher	Robinson	West
Croak	Glynn	Mallon	Rogers	Whitley
Cunningham	Goldberg	Mance	Schmidt	Whitney F G
Cuvillier	Gray	Marlatt	Schoeneck	Whitney G H
De Groot	Green	Matthews	Schulz	Wood
Dobbs	Gunderman	McCue	Sheridan	Yale
Dominy	Hackett	Mead	Shuttleworth	Young
Donnelly	Hamilton			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

The Senate returned the Assembly bill (No. 1496, Senate re-print No. 1350, Int. No. 617) entitled "An act to equalize the salaries of the court officers, special officer and messenger of the Kings County Surrogate's Court with the court attendants and other employees of the Supreme Court in Kings county," with a message that they have concurred in the passage of the same, with the following amendments:

On page 1, line 1 of title, after the word "officers" insert "special officers". On same page, line 3 of title, after "ants" insert "and other employees". Same page and line, after the word "the" strike out the words "county court" and insert in lieu thereof "supreme court". Same page and line, before the word "Kings" strike out "of" and insert in lieu thereof "in".

Mr. Dowling moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hamilton	Merritt	Sinclair
Averill	Draper	Hammond	Miller	Smith A E
Baldwin	Dudley	Hamm	Mills	Smith C
Blue	Duell	Harawitz	Moonev	Smith Myron
Bohan	Eagleton	Harper	Morgan	Staley
Boshart	Eggleston	Harris	Murphy C F	Stern
Brady	Eichhorn	Hart	Murphy G W	Stevenson
Brooks	Ferguson	Hoey	Nevins	Stratton
Brough	Feth	Holmes	Newton	Surpluss
Brown	Filley	Hooper	Northrup	Todd
Buckley	Flanagan	Hubbs	Norton	Volk
Burhyte	Foley C F	Hurd	O'Brian	Voss
Burns	Foley J A	Jackson	Oliver	Waddell
Burzynski	Fowler	Keller	Parker	Wagner
Cavanaugh	Francis	Lansing	Patton	Walters
Chamberlain	Frisbie	Lee	Phillips	Waters
Cole	Ganly	Lewis	Prince	Weber
Colné	Garbe	Loos	Ralston	Weimert
Conklin	Geoghagan	Lowe	Reece	Wells
Conrady	Glore	Lupton	Robinson	West
Croak	Gluck	Maher	Rogers	Whitley
Cunningham	Glynn	Mallon	Schmidt	Whitney F G
Cuvillier	Goldberg	Mance	Schoeneck	Whitney G H

De Groot	Gray	Marlatt	Schulz	Wood
Dobbs	Green	Matthews	Sheridan	Yale
Dominy	Gunderman	McCue	Shuttleworth	Young
Donnelly	Hackett	Mead		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendments of the Senate thereto.

The Senate sent for concurrence Senate bill (No. 1246, Rec. No. 368) entitled "An act to authorize the appointment of a commission to inquire into the local government of the city of New York and the charter thereof, and suggest legislation thereon," with a message that this bill was duly passed by the Senate and Assembly, and was transmitted to the mayor of the city of New York for a public hearing in said city, as provided by law, and was returned by said mayor with a message that said bill, after a public hearing thereon, had not been accepted by the city. Said bill was thereafter and on this day again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?"

Said bill having been announced, Mr. Speaker stated the question to be "Shall this bill pass notwithstanding the objections of the mayor of the city of New York thereto?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 80

NOES 29

Those who voted in the affirmative were:

Allen	Dudley	Hurd	Nevins	Stanton
Apgar	Duell	Lansing	Newton	Stevenson
Averill	Eggleston	Lee	Norton	Surpless
Blue	Eichhorn	Lewis	O'Brian	Volk
Brady	Ferguson	Lowe	Parker	Voss
Brooks	Francis	Lupton	Patton	Wainwright
Brough	Glore	Maher	Phillips	Waters
Brown	Gray	Mance	Prentice	Weber
Burhyte	Green	Marlatt	Ralston	Weimert
Chamberlain	Gunderman	Matthews	Reece	Wells
Cole	Haines	Mead	Robinson	Whitley

Colné	Hamilton	Merritt	Shuttleworth	Whitney F G
Conklin	Hammond	Moreland	Sinclair	Whitney G H
Conrady	Hamn	Morgan	Smith C	Winters
De Groot	Harris	Murphy C F	Smith Myron	Wood
Dominy	Hart	Murphy G W	Staley	Yale

Those who voted in the negative were:

Bohan	Eagleton	Harawitz	Loos	Smith A E
Buckley	Fay	Harper	Mallon	Stern
Burzynski	Foley J A	Holmes	McCue	Stratton
Cavanaugh	Ganly	Jackson	Northrup	Wagner
Croak	Glynn	Jacobs	Schwegler	Walters
Cuvillier	Hackett	Keller	Sheridan	

Mr. Cuvillier moved to reconsider the vote by which said bill was repassed, and that said motion lie upon the table.

Mr. Speaker put the question whether the House would agree to said motion to lay upon the table, and it was determined in the negative.

By unanimous consent, Mr. Cuvillier withdrew his motion to reconsider.

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have again concurred in the passage of the same.

Mr. Conklin moved to take from the table his motion to reconsider the vote by which Senate bill (No. 1556, Assembly reprint No. 2888, Rec. No. 451) entitled "An act to amend section eight hundred and fifty-six of the Code of Civil Procedure, with respect to punishment for contempt," was lost.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 51

NOES 32

Those who voted in the affirmative were:

Averill	Eichhorn	Hubbs	Nevins	Staley
Brown	Fay	Jacobs	O'Brian	Stanton
Burhyte	Ferguson	Lansing	Parker	Surpluss
Chamberlain	Francis	Lee	Patton	Volk

Cole	Geoghagan	Lowe	Prentice	Voss
Collins	Glore	Lupton	Reece	Wainwright
Colné	Gray	Mance	Robinson	Walters
Conklin	Gunderman	Marlatt	Rogers	Waters
Donnelly	Hamm	Moreland	Smith C	Weimert
Duell	Hart	Morgan	Smith Myron	Wells
Eggleston				

Those who voted in the negative were:

Allen	Dudley	Harawitz	Loos	Schulz
Buckley	Eagleton	Harper	Mallon	Schwegler
Burns	Foley C F	Hoey	Mead	Sheridan
Burzynski	Ganly	Holmes	Newton	Smith A E
Cavanaugh	Glynn	Jackson	Northrup	Stratton
Croak	Goldberg	Keller	Oliver	Wagner
Dobbs	Hackett			

The Senate returned the Senate bill (No. 1150, Rec. No. 233) entitled "An act authorizing the board of estimate and apportionment of the city of New York to inquire into the alleged claim of George R. Dubois, a janitor in the Justices' Court of the former city of Brooklyn, first district, for services rendered as such, from March first, eighteen hundred and ninety-seven, to December thirty-first, eighteen hundred and ninety-seven, both dates inclusive, and for services rendered as janitor of the Municipal Court of the city of New York, borough of Brooklyn, first district, from January first, eighteen hundred and ninety-eight, to August twelfth, nineteen hundred and three, both dates inclusive, and authorizing payment of the same" with a message that this bill was duly passed by the Senate and Assembly and was transmitted to the mayor of the city of New York for a public hearing in said city, as provided by law, and was returned by said mayor with a message that said bill, after a public hearing thereon, had not been accepted by the mayor. Said bill was thereafter and on this day again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?"

Said bill having been announced, Mr. Speaker stated the question to be "Shall this bill pass notwithstanding the objections of the mayor of the city of New York thereto?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths

being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 129

NOES 4

Those who voted in the affirmative were:

Allen	Draper	Hammond	Miller	Smith A E
Averill	Dudley	Hamn	Mills	Smith C
Baldwin	Duell	Harawitz	Mooney	Smith Myron
Blue	Eggleston	Harper	Morgan	Staley
Bohan	Eichhorn	Harris	Murphy C F	Stern
Boshart	Ferguson	Hart	Murphy G W	Stevenson
Brady	Feth	Hoey	Nevins	Stratton
Brooks	Filley	Holmes	Newton	Surpless
Brough	Flanagan	Hooper	Northrup	Todd
Brown	Foley C F	Hubbs	Norton	Volk
Burhyte	Foley J A	Hurd	O'Brian	Voss
Burns	Fowler	Jackson	Oliver	Waddell
Burzynski	Francis	Keller	Parker	Wagner
Cavanaugh	Frisbie	Lansing	Patton	Walters
Chamberlain	Ganly	Lee	Phillips	Waters
Cole	Garbe	Lewis	Prince	Weber
Colné	Geoghagan	Loos	Ralston	Weimert
Conklin	Glore	Lowe	Reece	Wells
Conrady	Gluck	Lupton	Robinson	West
Croak	Glynn	Maher	Rogers	Whitley
Cunningham	Goldberg	Mallon	Schmidt	Whitney F G
De Groot	Gray	Mance	Schoeneck	Whitney G H
Dobbs	Green	Marlatt	Schulz	Wood
Dominy	Gunderman	Matthews	Sheridan	Yale
Donnelly	Hackett	Mead	Shuttleworth	Young
Dowling	Hamilton	Merritt	Sinclair	

Those who voted in the negative were:

Buckley	Cuvillier	Eagleton	McCue
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Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have again concurred in the passage of the same.

The Senate returned the Senate bill (No. 1843, Rec. No. 506) entitled "An act to regulate procedure and to provide for cost and expense in any proceeding for a judicial recount and recanvass of the votes cast for the office of mayor at the election of the seventh of November, nineteen hundred and five, in cities of the first class, in which the ballots have been preserved," with a message that this bill was duly passed by the Senate and Assembly, and was transmitted to the mayor of the city of New York for a public hearing in said city, as provided by law, and was returned

by said mayor with a message that said bill, after a public hearing thereon, had not been accepted by the mayor. Said bill was thereafter and on this day again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be "Shall this bill pass notwithstanding the objection of the acting mayor of the city of New York thereto?"

Mr. Speaker stated the question to be "Shall this bill pass, notwithstanding the objections of the mayor of the city of New York thereto?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 92

NOES 11.

Those who voted in the affirmative were:

Allen	Eggleston	Hubbs	Nevins	Stern
Apgar	Eichhorn	Hurd	Newton	Stevenson
Averill	Ferguson	Huth	Norton	Stratton
Bohan	Foley C F	Jackson	Oliver	Surpless
Brady	Foley J A	Lansing	Parker	Volk
Brooks	Francis	Lewis	Patton	Voss
Brough	Glore	Loos	Prentice	Waddell
Brown	Glynn	Lowe	Ralston	Wagner
Burhyte	Goldberg	Lupton	Reece	Walters
Burns	Green	Maher	Robinson	Waters
Buraynski	Gunderman	Mallon	Rogers	Weber
Cavanaugh	Hackett	Mance	Schulz	Weimert
Chamberlain	Haines	Marlatt	Shuttleworth	Wells
Collins	Hamn	Mead	Smith A E	Whitley
Colné	Harawitz	Merritt	Smith C	Whitney F G
Conklin	Harper	Moreland	Smith Myron	Whitney G R
Conrady	Harris	Morgan	Staley	Winters
De Groot	Hart	Murphy G W	Stanton	Wood
Dudley	Holmes			

Those who voted in the negative were:

Croak	Eagleton	Garbe	Hammond	McCue
Cuvillier	Fay	Geoghagan	Jacobs	Schwegler
Donnelly				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have again concurred in the passage of the same.

Mr. Yale moved to take from the table his motion to reconsider the vote by which Senate bill (No. 1536, Rec. No. 403) entitled

"An act to amend the Railroad Law in relation to location of route," was lost.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Said bill having been announced, Mr. Yale moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 69

NOES 36

Those who voted in the affirmative were:

Allen	De Groot	Hammond	Morgan	Smith A E
Apgar	Dominy	Hamn	Murphy C F	Smith Myron
Blue	Dowling	Hubbs	Murphy G W	Staley
Bohan	Dudley	Hurd	Nevins	Stanton
Brady	Duell	Lee	Newton	Surpless
Brooks	Eggleston	Lewis	Norton	Volk
Brough	Eichhorn	Lowe	O'Brian	Voss
Brown	Ferguson	Maher	Oliver	Wagner
Burhyte	Foley J A	Mance	Parker	Waters
Burns	Gray	Marlatt	Phillips	Whitley
Chamberlain	Green	Mead	Ralston	Whitney F G
Cole	Gunderman	Merritt	Robinson	Wood
Colné	Haines	Mooney	Shuttleworth	Yale
Conrady	Hamilton	Moreland	Sinclair	

Those who voted in the negative were:

Averill	Eagleton	Harper	McCue	Stevenson
Buckley	Fay	Holmes	Northrup	Stratton
Burzynski	Flanagan	Huth	Patton	Walters
Collins	Foley C F	Jackson	Reece	Weber
Conklin	Ganly	Jacobs	Rogers	Weimert
Croak	Glynn	Keller	Smith C	Whitney G B
Cuvillier	Harawitz	Mallon	Stern	Winters
Donnelly				

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 26, 1907.*

Resolved (if the Assembly concur), That the chairman of the Senate finance committee shall appoint therefrom two members, and the chairman of the Assembly ways and means committee shall appoint therefrom three members, who, together with the chairmen of said committees, shall constitute a committee to in-

investigate, during the recess, into the expenditures on the part of the State in the several departments and institutions thereof, and of any institutions or societies which are the recipients of appropriations from the State treasury, for the purpose of obtaining and furnishing such information as may enable the Legislature to be hereafter convened to better frame the various appropriations and supply bills and to better determine as to the expenditures which should be made by the State and the amount of the same.

Said committee is authorized to employ such assistants as in its opinion may be necessary and requisite for the performance of its duties, and is also further authorized and empowered to appoint such subcommittees as it may deem necessary. Said committee and any subcommittees thereof are hereby authorized to hold sessions at such places within the State as they may deem proper. Each member of said committee shall have power to administer oaths and the committee shall have power to subpoena witnesses and take testimony, and in addition shall have all the powers of legislative committees as provided by article 3 of the Legislative Law. The expense of such committee shall be paid from the appropriation for contingent expenses of the Legislature.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hammond	Merritt	Sinclair
Averill	Draper	Hamn	Miller	Smith A E
Baldwin	Dudley	Harawitz	Mills	Smith C
Blue	Duell	Harper	Mooney	Smith Myron
Bohan	Eagleton	Harris	Morgan	Staley
Boshart	Eggleston	Hart	Murphy C F	Stern
Brady	Eichhorn	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Flanagan	Hurd	Norton	Volk
Burhyte	Foley C F	Jackson	O'Brien	Voss
Burns	Foley J A	Keller	Oliver	Waddell
Burzynski	Fowler	Lansing	Parker	Wagner
Cavanaugh	Francis	Lee	Patton	Walters

Chamberlain	Ganly	Lewis	Phillips	Waters
Cole	Garbe	Loos	Prince	Weber
Colné	Geoghagan	Lowe	Ralston	Weimert
Conklin	Glore	Lupton	Reece	Wells
Conrad	Gluck	Maher	Robinson	West
Croak	Glynn	Mallon	Rogers	Whitley
Cunningham	Goldberg	Mance	Schmidt	Whitney F G
Cuvillier	Gray	Marlatt	Schoeneck	Whitney G H
De Groot	Green	Matthews	Schulz	Wood
Dobbs	Gunderman	McCue	Sheridan	Yale
Dominy	Hackett	Mead	Shuttleworth	Young
Donnelly	Hamilton			

At twelve o'clock and thirty minutes p. m. on motion of Mr. Moreland, the House took a recess until one p. m.

ONE O'CLOCK P. M.

The House again convened.

Mr. Moreland gives notice that he requests that the Senate bill (No. 1665, reprint No. 1865, Rec. No. 413) entitled "An act to amend chapter three hundred and forty-eight of the Laws of eighteen hundred and eighty-five, entitled 'An act to authorize the appointment of stenographers for grand juries, and to fix the compensation of such stenographers,' relative to the appointment of stenographers to take evidence before grand juries and at coroners' inquests and examinations and trials of criminal cases," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Moreland gives notice that he requests that the Senate bill (No. 1860, Rec. No. 519) entitled "An act to amend the Greater New York charter, relative to the department of health pension fund," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Green gives notice that he requests that the Senate bill (No. 1852, Rec. No. 520) entitled "An act to amend the Primary Election Law, in relation to direct nominations and to provide for the expense thereof, in the year nineteen hundred and seven," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the

purpose of making said bill a special order on second and third reading.

Mr. Burns gives notice that he requests that the Senate bill (No. 1208, Rec. No. 514) entitled "An act to amend section six hundred and twelve of the Greater New York charter giving to the commissioners of parks of the city of New York jurisdiction over playgrounds," a copy of which is hereto annexed, be made a special order, and asks that his request be referred to the committee on rules for the purpose of making said bill a special order on second and third reading.

Mr. Speaker, from the committee on rules, to which was referred Senate bill introduced by Mr. Travis (No. 1852, Rec. No. 520), entitled "An act to amend the Primary Election Law, in relation to direct nominations and to provide for the expense thereof in the year nineteen hundred and seven."

Also, Senate bill introduced by Mr. McCall (No. 1208, Rec. No. 514), entitled "An act to amend section six hundred and twelve of the Greater New York charter, giving to the commissioners of parks of the city of New York jurisdiction over playgrounds."

Also, Senate bill introduced by Mr. Cassidy (No. 1665, reprint No. 1865, Rec. No. 413), entitled "An act to amend chapter three hundred and forty-eight of the Laws of eighteen hundred and eighty-five, entitled 'An act to authorize the appointment of stenographers for grand juries, and to fix the compensation of such stenographers,' relative to the appointment of stenographers to take evidence before grand juries and at coroners' inquests and examinations and trials of criminal cases."

Also, Senate bill introduced by Mr. McManus (No. 1860, Rec. No. 519), entitled "An act to amend the Greater New York charter, relative to the department of health pension fund," reported in favor of the passage of the same without amendment, and that the same be made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported, which report was agreed to, and said bills ordered made special orders on second and third reading immediately after the consideration of the special orders on third reading heretofore reported.

Mr. Speaker announced the special order, being the Senate bill (No. 1665, reprint No. 1865), entitled "An act to amend chapter three hundred and forty-eight of the Laws of eighteen hundred and eighty-five, entitled 'An act to authorize the appointment of stenographers for grand juries, and to fix the compensation of such stenographers,' relative to the appointment of stenographers to take evidence before grand juries and at coroner's inquests and examinations and trials of criminal cases." (Rec. No. 413.) Said bill having been announced, Mr. Speaker announced the question to be upon the reconsideration of the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hamilton	Merritt	Sinclair
Averill	Draper	Hammond	Miller	Smith A E
Baldwin	Dudley	Hamn	Mills	Smith C
Blue	Duell	Harawitz	Mooney	Smith Myron
Bohan	Eagleton	Harper	Morgan	Staley
Boshart	Eggleston	Harris	Murphy C F	Stérn
Brady	Eichhorn	Hart	Murphy G W	Stevenson
Brooks	Ferguson	Hoey	Nevins	Stratton
Brough	Feth	Holmes	Newton	Surpless
Brown	Filley	Hooper	Northrup	Todd
Buckley	Flanagan	Hubbs	Norton	Volk
Burhyte	Foley C F	Hurd	O'Brian	Voss
Burns	Foley J A	Jacobs	Oliver	Waddell
Burzynski	Fowler	Keller	Parker	Wagner
Cavanaugh	Francis	Lansing	Patton	Walters
Chamberlain	Frisbie	Lee	Phillips	Waters
Cole	Ganly	Lewis	Prince	Weber
Colné	Garbe	Loos	Ralston	Weimert
Conklin	Geoghagan	Lowe	Reece	Wells
Conrady	Glore	Lupton	Robinson	West
Croak	Gluck	Maher	Rogers	Whitley
Cunningham	Glynn	Mallon	Schmidt	Whitney F G
Cuvillier	Goldberg	Mance	Schoeneck	Whitney G H
De Groot	Gray	Marlatt	Schulz	Wood
Dobbs	Green	Matthews	Sheridan	Yale
Dominy	Gunderman	McCue	Shuttleworth	Young
Donnelly	Hackett	Mead		

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 357, printed No. 1665) entitled "An act to amend chapter three hundred and forty-eight of the Laws of eighteen hundred and eighty-five, entitled 'An act to authorize the appointment of stenographers for grand juries, and to fix the compensation of such stenographers,' relative to the appointment of stenographers to take evidence before grand juries and at coroners' inquests, and examinations and trials of criminal cases," as amended.

Given under my hand and the privy seal of the State, at the Capitol, in the city of Albany, this twenty-fifth day of June, in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER,

Secretary to the Governor.

Debate was had thereon.

Said bill, as amended, was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 4

Those who voted in the affirmative were:

Allen	Dominy	Haines	Matthews	Shuttleworth
Apgar	Donnelly	Hamilton	McCue	Sinclair
Averill	Dowling	Hammond	Mead	Smith C
Blue	Dudley	Hamn	Merritt	Smith Myron
Bohan	Duell	Harawitz	Mooney	Staley
Brady	Eagleton	Harper	Moreland	Stanton
Brooks	Eggleston	Hart	Morgan	Stevenson
Brough	Eichhorn	Hoey	Murphy C F	Volk
Brown	Fay	Hubbs	Murphy G W	Voss
Buckley	Ferguson	Hurd	Nevins	Wagner
Burhyte	Filley	Huth	Newton	Wainwright

Burns	Flanagau	Jackson	Northrup	Walters
Burzynski	Foley C F	Keller	O'Brian	Waters
Cavanaugh	Foley J A	Lansing	Oliver	Weber
Chamberlain	Francis	Lee	Parker	Weimert
Cole	Ganly	Lewis	Patton	Wells
Collins	Garbe	Loos	Phillips	Whitley
Colné	Geoghagan	Lowe	Ralston	Whitney F G
Conklin	Glore	Lupton	Reece	Whitney G H
Conrady	Gray	Maher	Robinson	Wood
Croak	Green	Mallon	Schwegler	Yale
De Groot	Gunderman	Marlatt	Sheridan	Young
Dobbs				

Those who voted in the negative were:

Glynn	Holmes	Rogers	Schmidt
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Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

Mr. Speaker announced the special order, being the Senate bill (No. 1854, Assembly reprint No. 2929, Rec. No. 513) entitled "An act to amend the Greater New York charter, relative to city magistrates."

On motion of Mr. Prentice, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it;

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1191, Assembly reprint No. 2929) entitled "An act to amend the Greater New York charter, relative to city magistrates."

Given under my hand and the privy seal of the State, at the Capitol, in the city of Albany, this twenty-sixth day of June, in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER,

Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Draper	Hammond	Merritt	Sinclair
Averill	Dudley	Hamn	Miller	Smith A E
Baldwin	Duell	Harawitz	Mills	Smith C
Blue	Eagleton	Harper	Mooney	Smith Myron
Bohan	Eggleston	Harris	Morgan	Staley
Boshart	Eichhorn	Hart	Murphy C F	Stern
Brady	Ferguson	Hoey	Murphy G W	Stevenson
Brooks	Feth	Holmes	Nevins	Stratton
Brough	Filley	Hooper	Newton	Surpluss
Brown	Flanagan	Hubbs	Northrup	Todd
Buckley	Foley C F	Hurd	Norton	Volk
Burhyte	Foley J A	Jackson	O'Brian	Voss
Burns	Fowler	Keller	Oliver	Waddell
Burzynski	Francis	Lansing	Parker	Wagner
Cavanaugh	Frisbie	Lee	Patton	Walters
Chamberlain	Ganly	Lewis	Phillips	Waters
Cole	Garbe	Loos	Prince	Weber
Colné	Geoghagan	Lowe	Ralston	Weimert
Conklin	Glore	Lupton	Reece	Wells
Conrady	Gluck	Maher	Robinson	West
Croak	Glynn	Mallon	Rogers	Whitley
Cunningham	Goldberg	Mance	Schmidt	Whitney F G
Cuvillier	Gray	Marlatt	Schoeneck	Whitney G H
De Groot	Green	Matthews	Schulz	Wood
Dobbs	Gunderman	McCue	Sheridan	Yale
Dominy	Hackett	Mead	Shuttleworth	Young
Donnelly	Hamilton			

In the negative:

Dowling

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same, with amendments.

Mr. Speaker announced the special order, being the Senate bill (No. 1852) entitled "An act to amend the Primary Election Law, in relation to direct nominations and to provide for the expense thereof in the year nineteen hundred and seven" (Rec. No. 520). Said bill having been announced for second reading, Mr. Ralston moved to amend as follows:

At page 1, line 9, strike out "in case"; strike out all of line 10, and page 2, strike out lines 1 to 18, inclusive, and in place thereof insert "In counties having one million inhabitants or over the nomination of party candidates for public officers to be filled wholly from any such county or from any subdivision thereof or from territory situated within any such subdivision shall be made by the enrolled members of the party at the official primary elections of the party held on the annual primary day."

At page 3, line 19, strike out "in case a rule"; strike out all of lines 20 and 21, and on line 22 strike out "twelve", in place thereof insert: "In counties having one million inhabitants or over and in any subdivisions of any such county".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

AYES 68

NOES 52

Those who voted in the affirmative were:

Blue	Dobbs	Hackett	Matthews	Schwegler
Bohan	Eagleton	Hammond	McCue	Sheridan
Brooks	Eichhorn	Harawitz	Mead	Sinclair
Brough	Farrell	Hoe	Murphy C F	Smith A E
Brown	Ferguson	Huth	Murphy G W	Smith C
Buckley	Foley C F	Jackson	Nevins	Staley
Burns	Foley J A	Keller	Newton	Surpless
Burzynski	Ganly	Lansing	Norton	Voss
Cavanaugh	Garbe	Lewis	Oliver	Wagner
Chamberlain	Glore	Loos	Ralston	Walters
Colné	Glynn	Lowe	Robinson	Waters
Conrady	Goldberg	Maher	Schmidt	Weber
Croak	Gray	Mallon	Schulz	Whitney F G
Cuvillier	Gunderman	Mance		

Those who voted in the negative were:

Allen	Dudley	Hart	Northrup	Stanton
Apgar	Duell	Holmes	O'Brian	Stevenson
Averill	Eggleston	Hubbs	Parker	Stratton
Brady	Fay	Hurd	Patton	Volk
Burhyte	Francis	Jacobs	Phillips	Wainwright
Cole	Geoghagan	Lee	Prentice	Weimert
Collins	Green	Lupton	Reece	Wells
Conklin	Haines	Marlatt	Rogers	Whitley
De Groot	Hamn	Merritt	Shuttleworth	Whitney G H
Dominy	Harper	Moreland	Smith Myron	Winters
Donnelly	Harris			

Mr. Greene moved to reconsider the vote by which said bill was amended, and that said motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was decided in the affirmative.

Mr. Speaker announced the special order, being the Senate bill (No. 1860, Rec. No. 519) entitled "An act to amend the Greater New York charter, relative to the department of health, pension fund."

On motion of Mr. Oliver, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hammond	Merritt]	Sinclair
Averill	Draper	Hamn	Miller	Smith A E
Baldwin	Dudley	Harawitz	Mills	Smith C
Blue	Duell	Harper	Mooney	Smith Myron
Bohan	Eagleton	Harris	Morgan	Staley
Boshart	Eggleston	Hart	Murphy C F	Stern
Brady	Eichhorn	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Flanagan	Hurd	Norton	Volk
Burhyte	Foley C F	Jackson	O'Brian	Voss
Burns	Foley J A	Keller	Oliver	Waddell
Burzynski	Fowler	Lansing	Parker	Wagner
Cavanaugh	Francis	Lee	Patton	Walters
Chamberlain	Ganly	Lewis	Phillips	Waters
Cole	Garbe	Loos	Prince	Weber
Colné	Geoghagan	Lowe	Ralston	Weimert
Conklin	Glore	Lupton	Reece	Wells
Conrady	Gluck	Maher	Robinson	West
Croak	Glynn	Mallon	Rogers	Whitley
Cunningham	Goldberg	Mance	Schmidt	Whitney F G
Cuvillier	Gray	Marlatt	Schoeneck	Whitney G H
De Groot	Green	Matthews	Schulz	Wood
Dobbs	Gunderman	McCue	Sheridan	Yale
Dominy	Hackett	Mead	Shuttleworth	Young
Donnelly	Hamilton			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced the special order, being the Senate bill

(No. 1208) entitled "An act to amend section six hundred and twelve of the Greater New York charter giving to the commissioners of parks of the city of New York jurisdiction over playgrounds." (Rec. No. 514.)

On motion of Mr. Burns, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hammond	Merritt	Sinclair
Averill	Draper	Hamn	Miller	Smith A E
Baldwin	Dudley	Harawitz	Mills	Smith C
Blue	Duell	Harper	Mooney	Smith Myron
Bohan	Eagleton	Harris	Morgan	Staley
Boshart	Eggleston	Hart	Murphy C F	Stern
Brady	Eichhorn	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Flanagan	Hurd	Norton	Volk
Burhyte	Foley C F	Jackson	O'Brian	Voss
Burns	Foley J A	Keller	Oliver	Waddell
Burzynski	Fowler	Lansing	Parker	Wagner
Cavanaugh	Francis	Lee	Patton	Walters
Chamberlain	Ganly	Lewis	Phillips	Waters
Cole	Garbe	Loos	Prince	Weber
Colné	Geoghagan	Lowe	Ralston	Weimert
Conklin	Glore	Lupton	Reece	Wells
Conrady	Gluck	Maher	Robinson	West
Croak	Glynn *	Mallon	Rogers	Whitley
Cunningham	Goldberg	Mance	Schmidt	Whitney F G
Cuvillier	Gray	Marlatt	Schoeneck	Whitney G H
De Groot	Green	Matthews	Schulz	Wood
Dobbs	Gunderman	McCue	Sheridan	Yale
Dominy	Hackett	Mead	Shuttleworth	Young
Donnelly	Hamilton			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 407, Int. No. 400) entitled "An act to amend chapter three hundred and fifty-nine of the

Laws of eighteen hundred and ninety-seven, entitled 'An act to incorporate the city of Rensselaer,' in relation to the powers of the board of education," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Rensselaer.

The Senate returned the bill (No. 2870, Int. No. 1962) entitled "An act to widen and improve a certain street in the city of New York, being partly in the counties of Kings and Queens," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

The Senate returned the bill (No. 2920, Int. No. 1983) entitled "An act to amend chapter one hundred and ninety of the Laws of eighteen hundred and seventy-eight, entitled 'An act to protect the Seaside boulevard and meadows adjacent thereto on the south shore of Staten island, and to prevent the same from being injured or overflowed by the waters of the bay of New York,' in relation to the removal of sand, earth or clay," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

The Senate returned the bill (No. 2896, Int. No. 1969) entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which John C. McGee, formerly a patrolman in the police department of the said city, was dismissed from said department in the year nineteen hundred and two, and to reinstate him in the position formerly held by him," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

The Senate returned the bill (No. 2209, Int. No. 1458) entitled "An act to provide for the collection and enforcement of State and county taxes in the city of Troy, and for the sale of lands for unpaid State and county taxes in the county of Rensselaer and to

legalize and confirm the acts of the county treasurer of Rensselaer county and of other officials of said county in regard to the collection and enforcement of State and county taxes in the county of Rensselaer," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Troy.

The Senate returned the bill (No. 2150, Int. 1591) entitled "An act to provide for enumeration of the inhabitants of the village of Red Hook and for refunding excessive excise taxes collected in such village on an erroneous basis of population."

Also, the bill (No. 2412, Int. No. 1718) entitled "An act to amend the Penal Code, in relation to carrying concealed weapons."

Also, the bill (No. 2190, Int. No. 1627) entitled "An act to legalize the marriage of George W. Beatty and Lydia Welk and to legitimize the children of such marriage."

Also, the bill (No. 2219, Int. No. 858) entitled "An act to amend the Domestic Commerce Law, relative to unlawful detention of milk cans and courts having jurisdiction of violations," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the bill (No. 2713, reprint No. 2913, Int. No. 1867), entitled "An act to amend chapter two hundred and twenty of the Laws of eighteen hundred and sixty-six, entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof,' in relation to increase of the salary of the assistant chief, electrician and permanent firemen of the fire department of said village," with a message that they have reconsidered their vote by which said bill passed, and, as amended, have again passed the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the bill (No. 27, Int. No. 27) entitled "An act to provide for the retaxation by the Appellate Division of the Supreme Court of the State of New York for the second judicial department of the claim of Nelson J. Waterbury, junior, as surviving partner of the firm of N. J. and N. J. Waterbury, junior, for services rendered by them for the city of New York

in the trial of the claim of George R. Sheldon, as assignee of William H. de Forrest, under the provisions of chapter four hundred and ninety of the Laws of eighteen hundred and eighty-three, entitled 'An act to provide new reservoirs, dams and a new aqueduct with the appurtenances thereto, for the purpose of supplying the city of New York with an increased supply of pure and wholesome water,' and the acts amendatory thereof," with the following message:

This bill was again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be: "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?"

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the bill (No. 1920, Int. No. 989) entitled "An act to amend chapter five hundred and eighty of the Laws of nineteen hundred and two, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in relation to drawing jurors," with the following message:

This bill was again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be: "Shall this bill pass notwithstanding the objection of the mayor of the city of New York thereto?"

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the Assembly bill (No. 1496, Senate reprint No. 1350, Int. No. 617) entitled "An act to equalize the salaries of the court officers, special officer and messenger of the Kings county Surrogate's Court with the court attendants and other employees of the Supreme Court in Kings county."

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the Senate bill (No. 1854, Assembly reprint No. 2929, Rec. No. 513) entitled "An act to amend the Greater New York charter, relative to city magistrates," with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bill to the Senate.

The Senate returned the bill (No. 2912, Int. No. 1979) entitled

"An act to amend the Highway Law, relative to poll taxes and the amount to be paid by the State to towns which have adopted the money system."

Also, the bill (No. 2926, Int. No. 1987) entitled "An act making an appropriation for expenses of the Senate and Assembly and supplying deficiencies in former appropriations," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *June 26, 1907.*

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill (No. 1301, Rec. No. 286) entitled "An act to amend chapter five hundred and eighteen of the Laws of eighteen hundred and sixty-seven, entitled 'An act to amend an act entitled "An act to incorporate the village of White Plains,"' passed April third, eighteen hundred and sixty-six, in relation to the powers and duties of village trustees, et cetera," for the purpose of amendment.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

A communication was received from Hon. Jos. Payette, mayor of the city of Plattsburgh, returning Assembly bill (No. 2104, Int. No. 1579) entitled "An act to amend chapter two hundred and sixty-nine of the Laws of nineteen hundred and two, entitled 'An act to incorporate the city of Plattsburgh,' generally," with a message that that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No.

2706, Int. No. 959) entitled "An act to amend the Greater New York charter, relative to inspection of boilers and engines and the qualification and licensing of engineers," with a message that said mayor, after a public hearing thereon, does not approve said bill and does not accept the same.

A communication was received from Hon. Jacob W. Clute, mayor of the city of Schenectady, returning Assembly bill (No. 2313, Senate reprint No. 1813, Int. No. 1519) entitled "An act to provide for the government and to supplement the provisions of law relating to the city of Schenectady," with a message that said mayor, and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Geo. B. McClellan, mayor of the city of New York, returning Assembly bill (No. 2692, Senate reprint No. 1825, Int. No. 954) entitled "An act to amend the Greater New York charter, relative to the police pension fund," with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

Mr. Merritt.—Mr. Speaker, I desire to make a verbal report for the committee of conference on the subject of apportionment. It has been impossible for the committee of this House either to arrive at an agreement or a disagreement so as to make a written report.

At the request, however, of my colleagues on the committee and the Speaker of this House, I desire to occupy a few minutes in making a verbal statement with reference to the procedure which has been taken and the situation in which the conference committee of this House finds itself in reference to this very important subject.

The governor of the State has called attention to the necessity and the importance of an apportionment subsequent to the failure of the apportionment of last year, it having been declared invalid by the court of last resort; and as I am informed by a special message again urged the importance of action at this session by both Houses of the Legislature.

The first conference committee consisted of Messrs. Phillips, Hammond, Merritt, Prentice and Oliver who met with a conference committee of the Senate upon the Senate bill and the amended bill as returned by this House to the Senate and reported non-concurrence.

Subsequently another conference committee was appointed on the part of this House, which consisted of myself, Mr. Prentice, Mr. Schoeneck, Mr. Robinson and Mr. Burns.

We have labored with the greatest diligence, we have used every argument that we could adduce, but we have been unable to reach any agreement.

I do not know whether this will mean an extraordinary session of the Legislature or not. I feel, however, that the position of this House should be plainly stated. The first bill presented to this House, introduced into the Senate by Senator Tully, had but twenty-four hours from the time of its introduction to the caucus of the Senate. This House was treated as though it were not in any way concerned or had any duty to perform in reference to this very important subject.

Now, Mr. Speaker, there are times when in haste, under pressure, for various reasons, one House or the other sometimes ignores its relation to the general legislative programme and general legislative institution of the State. But this very important subject is one in which we feel that the House should have had a fair consideration and in which we believe that had fair consideration been given in the beginning a result would have been reached within the constitutional provision, within the conditions set up as important by the Governor in his view of what the Constitution requires, and one which would at the same time have been satisfactory substantially to both Houses. It is to be regretted — such expression has been made on both sides of this Capitol — it is to be regretted that that course was not pursued. But it was not pursued, and I think that this House owed it to itself, to a sense of its own dignity to insist that when it makes a sensible and proper request for consideration that that request shall be treated with something of the respect which the dignity of the House demands.

I heard former Senator Hill make an argument once before the then Governor Roosevelt on behalf of the request for a special session of the Legislature in which he said that while Governor of this State he had twice had occasion to call the Legislature in extraordinary session but that the importance of the interests of the people and the importance of the subject under consideration warranted the action that he took.

I therefore suggest this thought; that the convenience of this House or its members or the cost to the taxpayers of the State is not of such prime importance as that the relations which should exist between the various branches of the Legislature should be preserved. That from time to time if the occasion requires an extraordinary course be taken to maintain the separateness, the

dignity, the usefulness of the different branches of the Legislature. I feel, Mr. Speaker, that we are like men punished without due process of law. We are being treated without due process of legislation. And I feel that it is and should be the sentiment of this House that it does not concur in any such programme.

The first conference failed to concur. The second conference discussed the subject in every possible light and from every possible view point taking into consideration the absolutely mathematical distribution or apportionment; and finally, without reporting back to this House suggested a compromise entirely within the lines set down by the Constitution or any extra constitutional requirements deemed important. A bill nearer the language of the Constitution than the bill which was sent to us by the Senate. It was a compromise which was suggested to the Speaker of this House by the leader of the majority of the Senate, and which was not when offered in conference accepted by the conferees for the other side. This has convinced me, and I have said it on behalf of the conference committee that the conference committee of the Senate has not acted in good faith, and had no intention at any time of departing from the programme which they had sprung upon the Legislature substantially without notice.

I do not think it best at this time, when the hour of adjournment has almost arrived, I do not think it best to take the time of this House by discussing the various alternative propositions that have been presented but I want to say to this House that your conference committee labored industriously, that it proposed at least a half dozen plans, all of them nearer to the constitutional requirements than the bill which is insisted upon by the Senate as a sine qua non and at no time did the conferees for the Senate show the slightest disposition to recede in any way from the position which they had taken.

In closing what I was saying in reference to this matter I merely wish to add one word. I wish to assure the House that their committee has used every possible effort to reach a satisfactory result. That they do not feel that the blame for failing to agree rests with them. They do not admit that they are to blame or that this House is to blame for not completing at this session some programme of apportionment. They feel that to have gone farther than they offered to go by the various propositions looking toward some sort of compromise would have been unmanly and not worthy of the dignity of this House.

Mr. Moreland offered for the consideration the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Governor and inform him that the Assembly has completed its labors and is ready to adjourn.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Moreland and Oliver as such committee.

Mr. Patton offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to inform the Senate that the Assembly has completed its labors and is ready to adjourn.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Patton and Burns as such committee.

Senators Cobb and Harte, a committee from the Senate, appeared in the Assembly chamber and announced that the Senate has completed its labor and is read to adjourn.

Mr. Meade offered for the consideration of the House a resolution, in the words following:

Resolved, That James H. Millard, chief messenger in charge of pages, and William F. Flynn, page, be directed to remain for ninety days after the adjournment of the Legislature to attend to the proper shipping of boxes, files, documents and reports under the direction of the Clerk of the Assembly.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hamilton	Merritt	Sinclair
Averill	Draper	Hammond	Miller	Smith A E
Baldwin	Dudley	Hamm	Mills	Smith C
Blue	Duell	Harawitz	Mooney	Smith Myron
Bohan	Eagleton	Harper	Morgan	Staley
Boshart	Eggleston	Harris	Murphy C E	Stern
Brady	Eichhorn	Hart	Murphy G W	Stevenson

Brooks	Ferguson	Hoey	Nevins	Stratton
Brough	Feth	Holmes	Newton	Surpless
Brown	Filley	Hooper	Northrup	Todd
Buckley	Flanagan	Hubbs	Norton	Volk
Burhyte	Foley C F	Hurd	O'Brian	Voss
Burns	Foley J A	Jackson	Oliver	Waddell
Burzynski	Fowler	Keller	Parker	Wagner
Cavanaugh	Francis	Lansing	Patton	Walters
Chamberlain	Frisbie	Lee	Phillips	Waters
Cole	Ganly	Lewis	Prince	Weber
Colné	Garbe	Loos	Ralston	Weimert
Conklin	Geoghagan	Lowe	Reece	Wells
Conrady	Glore	Lupton	Robinson	West
Croak	Gluck	Maher	Rogers	Whitley
Cunningham	Glynn	Mallon	Schmidt	Whitney F G
Cuvillier	Goldberg	Mance	Schoeneck	Whitney G H
De Groot	Gray	Marlatt	Schulz	Wood
Dobbs	Green	Matthews	Sheridan	Yale
Dominy	Gunderman	McCue	Shuttleworth	Young
Donnelly	Hackett	Mead		

Mr. Hamm offered for the consideration of the House a resolution, in the words following:

Resolved, That the postmaster of the Assembly be and is hereby directed to remain for a period of ten days after the adjournment of the Legislature to close up the affairs of his office and forward mail matter.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hammond	Merritt	Sinclair
Averill	Draper	Hamm	Miller	Smith A E
Baldwin	Dudley	Harawitz	Mills	Smith C
Blue	Duell	Harper	Mooney	Smith Myron
Bohan	Eagleton	Harris	Morgan	Staley
Boshart	Eggleston	Hart	Murphy C F	Stern
Brady	Eichhorn	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Flanagan	Hurd	Norton	Volk
Burhyte	Foley C F	Jackson	O'Brian	Voss
Burns	Foley J A	Keller	Oliver	Waddell
Burzynski	Fowler	Lansing	Parker	Wagner
Cavanaugh	Francis	Lee	Patton	Walters
Chamberlain	Ganly	I	Phillips	Waters
Cole	Garbe	Loos	Prince	Weber
Colné	Geoghagan	Lowe	Ralston	Weimert
Conklin	Glore	Lupton	Reece	Wells

Conrady	Gluck	Maher	Robinson	West
Croak	Glynn	Mallon	Rogers	Whitley
Cunningham	Goldberg	Mance	Schmidt	Whitney F G
Cuvillier	Gray	Marlatt	Schoeneck	Whitney G H
De Groot	Green	Matthews	Schulz	Wood
Dobbs	Gunderman	McCue	Sheridan	Yale
Dominy	Hackett	Mead	Shuttleworth	Young
Donnelly	Hamilton			

Mr. Brooks offered for the consideration of the House a resolution, in the words following:

Resolved, That the Sergeant-at-arms be and is hereby directed to take charge of and perform all necessary duties required by any committee of the Assembly or subcommittee thereof, that shall conduct any investigation or examination authorized by the Assembly to be performed by such committee during recess.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hammond	Merritt	Sinclair
Averill	Draper	Hamn	Miller	Smith A E
Baldwin	Dudley	Harawitz	Mills	Smith C
Blue	Duell	Harper	Mooney	Smith Myron
Bohan	Eagleton	Harris	Morgan	Staley
Boshart	Eggleston	Hart	Murphy C F	Stern
Brady	Eichhorn	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpluss
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Flanagan	Hurd	Norton	Volk
Burhyte	Foley C F	Jackson	O'Brian	Voss
Burns	Foley J A	Keller	Oliver	Waddell
Burzynski	Fowler	Lansing	Parker	Wagner
Cavanaugh	Francis	Lee	Patton	Walters
Chamberlain	Ganly	Lewis	Phillips	Waters
Cole	Garbe	Loos	Prince	Weber
Colné	Geoghagan	Lowe	Ralston	Weimert
Conklin	Glore	Lupton	Reece	Wells
Conrady	Gluck	Maher	Robinson	West
Croak	Glynn	Mallon	Rogers	Whitley
Cunningham	Goldberg	Mance	Schmidt	Whitney F G
Cuvillier	Gray	Marlatt	Schoeneck	Whitney G H
De Groot	Green	Matthews	Schulz	Wood
Dobbs	Gunderman	McCue	Sheridan	Yale
Dominy	Hackett	Mead	Shuttleworth	Young
Donnelly	Hamilton			

Mr. Yale offered for the consideration of the House a resolution, in the words following:

Resolved, That the librarian and assistant librarian of the Assembly be directed to remain during the recess of the Legislature to attend to the keeping open of the Assembly library and in performing such work as may be necessary in preserving, arranging, rearranging and indexing the books, documents, papers and records thereof and in affording facilities for proper access thereto during said period.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hammond	Merritt	Sinclair
Averill	Draper	Hamn	Miller	Smith A E
Baldwin	Dudley	Harawitz	Mills	Smith C
Blue	Duell	Harper	Mooney	Smith Myron
Bohan	Eagleton	Harris	Morgan	Stanley
Boshart	Eggleston	Hart	Murphy C F	Stern
Brady	Eichhorn	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Flanagan	Hurd	Norton	Volk
Burhyte	Foley C F	Jackson	O'Brian	Voss
Burns	Foley J A	Keller	Oliver	Waddell
Burzynski	Fowler	Lansing	Parker	Wagner
Cavanaugh	Francis /	Lee	Patton	Walters
Chamberlain	Ganly	Lewis	Phillips	Waters
Cole	Garbe	Loos	Prince	Weber
Colné	Geoghagan	Lowe	Ralston	Weimert
Conklin	Glore	Lupton	Reece	Wells
Conrady	Gluck	Maher	Robinson	West
Croak	Glynn	Mallon	Rogers	Whitley
Cunningham	Goldberg	Mance	Schmidt	Whitney F G
Cuvillier	Gray	Marlatt	Schoeneck	Whitney G H
De Groot	Green	Matthews	Schulz	Wood
Dobbs	Gunderman	McCue	Sheridan	Yale
Dominy	Hackett	Mead	Shuttleworth	Young
Donnelly	Hamilton			

Mr. G. H. Whitney offered for the consideration of the House a resolution, in the words following:

Resolved, That William K. Mansfield, journal clerk, be directed to remain, during the recess, for a period of forty-five days beginning November 1, 1907, for the purpose of making the comparison of the printed volumes or volume of the Assembly Journal from the original manuscript copy thereof and noting

the errors therein, under the direction of the Clerk of the Assembly, in accordance with the provisions of chapter two hundred and forty of the Laws of nineteen hundred and six.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hammond	Merritt	Sinclair
Averill	Draper	Hamn	Miller	Smith A E
Baldwin	Dudley	Harawitz	Mills	Smith C
Blue	Duell	Harper	Mooney	Smith Myron
Bohan	Eagleton	Harris	Morgan	Staley
Boshart	Eggleston	Hart	Murphy C F	Stern
Brady	Eichhorn	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Flanagan	Hurd	Norton	Volk
Burhyte	Foley C F	Jackson	O'Brian	Voss
Burns	Foley J A	Keller	Oliver	Waddell
Burzynski	Fowler	Lansing	Parker	Wagner
Cavanaugh	Francis	Lee	Patton	Walters
Chamberlain	Ganly	Lewis	Phillips	Waters
Cole	Garbe	Loos	Prince	Weber
Colné	Geoghagan	Lowe	Ralston	Weimert
Conklin	Glore	Lupton	Reece	Wells
Conrady	Gluck	Maher	Robinson	West
Croak	Glynn	Mallon	Rogers	Whitley
Cunningham	Goldberg	Mance	Schmidt	Whitney F G
Cuvillier	Gray	Marlatt	Schoeneck	Whitney G H
De Groot	Green	Matthews	Schulz	Wood
Dobbs	Gunderman	McCue	Sheridan	Yale
Dominy	Hackett	Mead	Shuttleworth	Young
Donnelly	Hamilton			

Mr. Filley offered for the consideration of the House a resolution, in the words following:

Resolved, That the Speaker of the Assembly be authorized to designate a stenographer to remain during the recess to complete the making of the typewritten copy of the original manuscript copy of the journal, assist in proofreading and making comparison of the printed volumes of the journal under the direction of the journal clerk, as required by chapter two hundred and forty of the Laws of nineteen hundred and six.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hammond	Merritt	Sinclair
Averill	Draper	Hamn	Miller	Smith A E
Baldwin	Dudley	Harawitz	Mills	Smith C
Blue	Duell	Harper	Mooney	Smith Myron
Bohan	Eagleton	Harris	Morgan	Staley
Boshart	Eggleston	Hart	Murphy C F	Stern
Brady	Eichhorn	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Flanagan	Hurd	Norton	Volk
Burhyte	Foley C F	Jackson	O'Brian	Voss
Burns	Foley J A	Keller	Oliver	Waddell
Burzynski	Fowler	Lansing	Parker	Wagner
Cavanaugh	Francis	Lee	Patton	Walters
Chamberlain	Ganly	Lewis	Phillips	Waters
Cole	Garbe	Loos	Prince	Weber
Colné	Geoghagan	Lowe	Ralston	Weimert
Conklin	Glore	Lupton	Reece	Wells
Conrady	Gluck	Maher	Robinson	West
Croak	Glynn	Mallon	Rogers	Whitley
Cunningham	Goldberg	Mance	Schmidt	Whitney F G
Cuvillier	Gray	Marlatt	Schoeneck	Whitney G H
De Groot	Green	Matthews	Schulz	Wood
Dobbs	Gunderman	McCue	Sheridan	Yale
Dominy	Hackett	Mead	Shuttleworth	Young
Donnelly	Hamilton			

Pursuant to above resolution, Mr. Speaker designated Grace C. Squires as such stenographer.

Mr. Moreland, from the committee appointed to wait upon the Governor and inform him that the Assembly has completed its labors and is ready to adjourn, reported that they had performed that duty.

Mr. Patton, from the committee appointed to wait upon the Senate and inform that honorable body that the Assembly has completed its labors and is read to adjourn, reported that they had performed that duty.

Mr. Maher offered for the consideration of the House a resolution, in the words following:

Resolved, That Dwight L. Gowey, Clerk's messenger be directed to remain during the recess to assist in the proofreading of the journal, the transmission of bills and documents and to perform such other services as the Clerk may direct.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hamilton	Merritt	Sinclair
Averill	Draper	Hammond	Miller	Smith A E
Baldwin	Dudley	Hamn	Mills	Smith C
Blue	Duell	Harawitz	Mooney	Smith Myron
Bohan	Egleton	Harper	Morgan	Staley
Boshart	Eggleston	Harris	Murphy C F	Stern
Brady	Eichhorn	Hart	Murphy G W	Stevenson
Brooks	Ferguson	Hoey	Nevins	Stratton
Brough	Feth	Holmes	Newton	Surpless
Brown	Filley	Hooper	Northrup	Todd
Buckley	Flanagan	Hubbs	Norton	Volk
Burhyte	Foley C F	Hurd	O'Brian	Voss
Burns	Foley J A	Jackson	Oliver	Waddell
Burzynski	Fowler	Keller	Parker	Wagner
Cavanaugh	Francis	Lansing	Patton	Walters
Chamberlain	Frisbie	Lee	Phillips	Waters
Cole	Ganly	Lewis	Prince	Weber
Colné	Garbe	Loos	Ralston	Weimert
Conklin	Geoghagan	Lowe	Reece	Wells
Conrady	Glore	Lupton	Robinson	West
Croak	Gluck	Maher	Rogers	Whitley
Cunningham	Glynn	Mallon	Schmidt	Whitney F G
Cuvillier	Goldberg	Mance	Schoeneck	Whitney G H
De Groot	Gray	Marlatt	Schulz	Wood
Dobbs	Green	Matthews	Sheridan	Yale
Dominy	Gunderman	McCue	Shuttleworth	Young
Donnelly	Hackett	Mead		

Mr. Oliver offered for the consideration of the House a resolution, in the words following:

Resolved, That James Murray, stenographer to the minority leader, T. V. Costello, messenger, and Vivany Moore, page, be directed to remain for a period of twenty days after the session for the purpose of performing such stenographic and clerical services as may be required by the minority leader and members of the minority during that period.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hammond	Merritt	Sinclair
Averill	Draper	Hamn	Miller	Smith A E
Baldwin	Dudley	Harawitz	Mills	Smith C
Blue	Duell	Harper	Mooney	Smith Myron
Bohan	Eagleton	Harris	Morgan	Staley
Boshart	Eggleston	Hart	Murphy C F	Stern
Brady	Eichhorn	Hoey	Murphy G W	Stevenson
Brooks	Ferguson	Holmes	Nevins	Stratton
Brough	Feth	Hooper	Newton	Surpless
Brown	Filley	Hubbs	Northrup	Todd
Buckley	Flanagan	Hurd	Norton	Volk
Burhyte	Foley C F	Jackson	O'Brian	Voss
Burns	Foley J A	Keller	Oliver	Waddell
Burzynski	Fowler	Lansing	Parker	Wagner
Cavanaugh	Francis	Lee	Patton	Walters
Chamberlain	Ganly	Lewis	Phillips	Waters
Cole	Garbe	Loos	Prince	Weber
Colné	Geoghagan	Lowe	Ralston	Weimert
Conklin	Glore	Lupton	Reece	Wells
Conrady	Gluck	Maher	Robinson	West
Croak	Glynn	Mallon	Rogers	Whitley
Cunningham	Goldberg	Mance	Schmidt	Whitney F G
Cuvillier	Gray	Marlatt	Schoeneck	Whitney G H
De Groot	Green	Matthews	Schulz	Wood
Dobbs	Gunderman	McCue	Sheridan	Yale
Dominy	Hackett	Mead	Shuttleworth	Young
Donnelly	Hamilton			

Mr. Moreland offered for the consideration of the House a resolution, in the words following:

Resolved, That the Clerk of the Assembly be and he is hereby authorized and directed to combine and revise the several indices of the Session Laws from nineteen hundred and one down to and including the session of nineteen hundred and seven, including the table of general laws and sections of the codes amended or repealed.

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hamilton	Merritt	Sinclair
Averill	Draper	Hammond	Miller	Smith A E
Baldwin	Dudley	Hamn	Mills	Smith C
Blue	Duell	Harawitz	Mooney	Smith Myron

Bohan	Eagleton	Harper	Morgan	Staley
Boshart	Eggleston	Harris	Murphy C F	Stern
Brady	Eichhorn	Hart	Murphy G W	Stevenson
Brooks	Ferguson	Hoey	Nevins	Stratton
Brough	Feth	Holmes	Newton	Surpluss
Brown	Filley	Hooper	Northrup	Todd
Buckley	Flanagan	Hubbs	Norton	Volk
Burhyte	Foley C F	Hurd	O'Brian	Voss
Burns	Foley J A	Jackson	Oliver	Waddell
Burzynski	Fowler	Keller	Parker	Wagner
Cavanaugh	Francis	Lansing	Patton	Walters
Chamberlain	Frisbie	Lee	Phillips	Waters
Cole	Ganly	Lewis	Prince	Weber
Colné	Garbe	Loos	Ralston	Weimert
Conklin	Geoghagan	Lowe	Reece	Wells
Conrad	Glore	Lupton	Robinson	West
Croak	Gluck	Maher	Rogers	Whitley
Cunningham	Glynn	Mallon	Schmidt	Whitney F G
Cuvillier	Goldberg	Mance	Schoeneck	Whitney G H
De Groot	Gray	Marlatt	Schulz	Wood
Dobbs	Green	Matthews	Sheridan	Yale
Dominy	Gunderman	McCue	Shuttleworth	Young
Donnelly	Hackett	Mead		

Mr. Speaker announced the designation of the following officers of the Assembly to remain after the adjournment of the Legislature for a period of thirty days, pursuant to the provisions of section thirteen of the Legislative Law, as amended by chapter four hundred and twenty-seven of the Laws of nineteen hundred and seven: Assistant clerk, Ray B. Smith; journal clerk, William K. Mansfield; index clerk, Charles H. Wicks; deputy clerk acting as clerk to committee on revision, Charles H. Clark; assistant journal clerk, William V. Ross.

Pursuant to section twelve of chapter four hundred and twenty-seven, Laws of nineteen hundred and seven, the Clerk announced the designation of Ray B. Smith, assistant clerk, as the officer of the Assembly to attend prior to and at the opening of the session of the Assembly of nineteen hundred and eight.

Mr. Speaker announced the designation of the following as officers of the Assembly to attend the next session, pursuant to section twelve of the Legislative Law: Assistant doorkeepers — George W. Shelland, G. W. Sylvester, William S. Balis; messengers — James D. Taylor, William R. Van Campen; pages — William C. Baxter, William F. Flynn, George Hutchinson, George Brown, Charles Minikheim, Frederick McCue.

Pursuant to concurrent resolution providing for a joint commission to confer with the authorities of Quebec in regard to uniform protection to game fish in waters forming a part of the

boundaries of the State, Mr. Speaker appointed as such committee on the part of the Assembly, Messrs. Mills of Fulton and Hamilton, Hamilton of Chautauqua and Ganly of New York.

Pursuant to concurrent resolution providing for a joint committee to investigate the existing provisions of law relative to highways and the methods of construction and maintenance of the highways of the State, Mr. Speaker appointed as members of such committee on the part of the Assembly, Messrs. Merritt of St. Lawrence, Apgar of Westchester, West of Yates, Hamm of Wayne and Mallon of Erie.

Pursuant to concurrent resolution providing for a committee to examine the report of the Board of Statutory Consolidation, Mr. Speaker appointed as such committee on the part of the Assembly, Messrs. Rogers of Broome, Phillips of Allegany, Mead of Albany, Cunningham of Ulster, and Stratton of Chenango.

Mr. Oliver.—Mr. Speaker, I regret very much that conditions are reversed; I have been so long now, so many months listening to the words of wisdom which fall from the distinguished leader of the majority that I have always had a chance to make up my mind possibly what I was about to say. This is one of the occasions that arise in our life when the pleasurable and sad feelings are mixed together. There is always sadness and pleasure in parting from those many of whom have become endeared to you and whose friendship and love you respect and enjoy. There is more sadness in that than there is in that one may rejoin his friends. But I desire to say that the little differences we may have had on either side, on both sides, the personal little squabbles we may have had, that so far as I am concerned they are past; they are like the water spilled from the pail that never can be lifted again. And to use Meredith's words "When we pass away from here, one month or two months or three months it will be but a short time and when we look back at the little scraps we had and the little uncomplimentary things in the heat of argument we may have said about one another—God knows I have had my share—and anything the members neglected the newspapers were sure not to forget. But that is all in a public man's life. And when a man's private and professional conduct is honest he don't feel the shafts of anybody, either the public men or the

public press. He can stand on his feet and look every honest man in the face straight between the two eyes and he has no apology to make to any man. But the little troubles that we had within a short time as Meredith says in the lapse of time it seems such a very little thing. So it will be with us.

Now I want to say that I feel very much indebted for many favors to the distinguished leader, Mr. Moreland, and his next neighbor, Mr. Prentice, immediately representing the Republican organization of New York, and to many members of the majority. And I think they will bear me out in saying that I returned in full measure and in honest measure every courtesy that was extended to me or to the minority.

As to the members of the minority of course little differences arose among the minority because we have subdivisions among the minority that are principally local, but strangers that do not know the subdivisions of the great city containing more than half the population and a great deal more than half of the wealth of the State, they do not understand our little home quarrels in Brooklyn and beautiful Long Island, and some of our own districts in New York where we had little differences, and they sometimes raps little and sounded like the thunder in the heavens do now; when the thunder passes away and the little troubles in New York among the minority, the skies will be again as clear and the sun will shine and the stars will beam and everything will be all happy and comfortable. I want sincerely, and from the bottom of my heart, to thank every member of the minority for many kindnesses extended to me.

Now, Mr. Speaker, I know that it is late, I know that there is a band there and I know that the gallery is full of beautiful ladies and that they want to hear the music, and I know that the boys on both sides want to catch the trains, but I desire to say a very few words, Mr. Speaker, as regards the Speaker.

As a member of the minority, with some experience in legislative matters, I desire to say truly and without any fear of contradiction, there may have been your equal, but for perennial courtesy, courage and honest manhood in the Speaker's chair, since the foundation of this government, but never anybody to surpass you in any manly honorable attribute that belongs to you.

It is said that we Americans care not for lineage or for long descent. Mr. Speaker, I differ with that; whether it is the Irish-American or the German-American, no matter what his religion or creed may be, whether he is a native-born American, we all look for and we honor and respect those we sprung from and if they are, sir, as the grand race you sprung from, centuries of brave men and beautiful women, we all take pride in our ancestors and the ladies that acted so well their part in the past.

Mr. Speaker, you have every reason to be proud yourself, but we of New York have reason to be prouder that if the Republican part gave us a Speaker they gave use one of the Wadsworths of Livingston. A story was told to me but a few days ago — I cannot use the classic language of the speaker — but he said “In the Spanish-American War there were three men that went from Livingston county; two of them Wadsworths. I suppose you know; and one of them a fighting Irish-American. Now, Mr. Speaker, that ain’t so. But I have lived long enough to remember the great General Wadsworth, who received his death wound leading as a brave soldier and gallant man, at one of the slaughter houses of the world, the Battle of the Wilderness, where the Blue and the Grey were mixed and there was no difference in the courage displayed on that battlefield, where thousands fell never to rise any more. General Wadsworth was a New York State man and your grandfather, God bless his memory. His son, your gallant father leaving college at seventeen and entering the United States Army and going on the staff of one of the fighting generals of the world, the commander of the Fifth Corps, General Warren, who had his fight every day for breakfast, dinner and supper, for the Fifth Corps was one of the fighting corps not only of America, but one of the fighting corps of all the corps of foreign ancient and domestic wars. On the staff of General Warren there was no danger that he could eat any meal without smelling powder, to the honor of your father. The people of our State and your party rewarded him politically, they made him then the youngest man ever filling the office of Comptroller of our great State. They sent him to the Legislature, and for many years have sent him to Congress.

Mr. Speaker, blood will tell. And you deserve your ancestry

and you carry out the emblems and the motto of your family. May that be so for many years to come. I say to you, a Democrat, with all honor and respect to that great, gallant, upright gentleman who don't know how to run, a brave man and the stain of dishonesty has never and never will reach his character, Theodore Roosevelt, President of the United States, that you sir, at your age now going on, commencing younger than you in legislative halls,—you are the natural successor of your party and your State to the great Theodore Roosevelt, and may you rise if your party is in power to the distinguished office he now distinguishes.

Mr. Moreland.—Mr. Speaker, there remains absolutely nothing more to be said upon any subject which relates to the day of final adjournment of this Legislature. Personally, however, I beg to say that I am deeply indebted to the minority of this House for the kindly treatment which they have always accorded me and for the kindly sentiment which has more than once manifested itself in my behalf.

To the majority of this House I need not attempt to express the deep sense of gratitude which they one and all know that I feel for their splendid support. Each one as the days of this session have gone by I have felt my gratitude in personal interview and in personal thanks in that connection. And I have no words to say to the distinguished gentlemen who sit upon my right, than that it is with an undying affection that I pass from this session of the Legislature to the outer world of activity for the splendid efforts which they made in my behalf and in aiding the administration of the affairs of this Assembly by their judgment, their support and their love.

Mr. Speaker, I have yet to repeat in a minor way which the gentleman from New York has said in a measure, that the respect of this House, regardless of party affiliations or of personal consideration, is due to yourself and the splendid way in which you have presided over the deliberations of this Assembly. And I feel that every man regards the Legislature which has just passed as a school for and education of the best citizenship of this State in this country, a school and a college over which you have presided as the master spirit and from which this House has received its best inspiration and its noblest impulses in the art of government and in the results of citizenship.

There never has been a Legislature of this State or an Assembly of the State of New York where both parties have voted so many times together upon great public questions. And that is the keynote which has been sounded by the politics of the present day; namely, that when great public questions are in order and when great public interests are involved that the citizen, regardless of his party, puts his shoulder to the shoulder of the other citizen of whatever party he may be, and the two march together for the welfare of the public and for the elevation of citizenship.

Mr. Speaker, these are the ideals which I have endeavored to keep in mind and the plane upon which I have endeavored to tread in a feeble way of which I am competent in administering in the meager way I have the affairs of the majority of this House down to the present time. There has been no political play, no long headed or far premeditated attempt to ensnare the minority. There has been no laborious effort to be witty. There has been no attempt at repartee. There has been no endeavor to inject myself in any way into the Legislature or the legislation of any man, where the public interest did not decisively require that I intermeddle.

Mr. Speaker I have naught to say except as the leader of the majority of the House to bid God speed to all of the members of the House, and hope that I shall meet them along the highway of life, at places where honest men can honestly meet upon a plane where men can grasp each other's hands and say "My brother, I am glad to meet you here."

Mr. Speaker: Members of Assembly; This session of ours of 1907 has been long, tedious and to many of us has resulted in inconvenience and even hardship. It has been interrupted and delayed on four different occasions by occurrences accompanied by deep sadness and gloom.

The amount of work that has been thrust upon the House and the Legislature in general has been very large, probably larger than that thrust upon any previous Assembly. The House has responded promptly and efficiently to the call of the people of this State, through the Governor whom they elected last fall.

I think when the history of this session is written there will be no question in any one's mind that the Legislature this year,

and the Assembly claims its full share of it, has established a record for progressive good government; in fact has done more along that line to respond to the just demands of the people than any Legislature that has sat in Albany before this time.

I want to say just a word to the men of this House of a somewhat personal note. I have endeavored to perform the duties of the office to which you elected me in the first part of January, to the best of my ability. I have tried to be just and courteous and impartial to the minority as well as to the majority. If I have erred in any way I hope you will understand it has been an error of judgment and not of intent.

The loyalty, friendship and support which you have extended to me is something for which I cannot adequately express my appreciation. It is worth more to me than the pride of office or of high station and it is something that I am never going to forget. And I just want to express one wish and express it sincerely; that if each and every one of you wish to be back here next year I earnestly hope that each and every one of you will succeed in his desire.

The Clerk read the journal of to-day's proceedings. On motion of Mr. Moreland, the same was approved.

The hour of 2 o'clock p. m. having arrived, on motion of Mr. Moreland, the House adjourned sine die.

APPENDIX I.

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APPENDIX.

SPEAKER'S APPOINTMENTS.

Mr. Speaker announced the following appointments for the session of 1907:

(No. 1.)

Speaker's clerk.—E. W. Moses.

Doorkeepers.—Myron A. Phelps, Stephen C. Daines, G. W. Shelland, G. W. Sylvester, Chas. Gardner, W. M. Harvey, J. H. Abrams, Geo. Brown.

Janitor.—Wm. H. Butler.

Assistant janitors.—G. Senft, A. V. Mood, H. N. Borden, J. B. Hulse.

Postmaster.—John S. Herrington.

Assistant postmaster.—Byron P. Shutts.

Committee clerk, ways and means.—R. H. Thurston.

Committee clerk, cities.—M. H. Bell.

Committee clerk, judiciary.—C. H. Francisco.

Committee clerk, codes.—E. H. Rutherford.

Committee clerk, general laws.—Moses Sloan.

Committee clerk, railroads.—C. Y. Fullington.

Committee clerk, villages.—E. S. Manchester.

Committee clerks.—D. S. Murden, C. H. Barnard, S. D. Brown, J. C. Ulrich, M. Sullivan, Leon Turner, Chas. Esselstyn, J. B. Boardwell, R. D. Paterson, Louis Stern, Ralph E. Waite, H. M. Prowda, John R. Rice, M. H. Taylor, Alex. DeGroot, Augustus Hayes, W. B. Williams, Frank Barber, C. E. Morris, John McCormick, N. O. Allen, Frank Sherwood, Miles K. Lewis, Edw. Young, T. J. Kenny, C. A. Stone, F. F. Brady, J. C. Edington.

Speaker's stenographer.—C. L. Miller.

Stenographers.—Anna B. Swartwood, J. E. Northrup, Irene Minton, G. C. Squires, Jas. Murray, Mrs. J. L. Murray, Marguerite Norris, L. Dudley Field, M. E. Babcock, Loretta Cantwell, F. Van Valkenberg, Josephine Cox.

Speaker's messenger.—H. H. Spencer.

Messengers.—T. V. Costello, J. A. Taylor, Penj. Kaiser, Price Lewis, John Degan, Frank Wilson, Otto Werner, Wm. Seaton, Wm. M. Welch, Wm. R. Van Campen, John Rossi, H. Moore, John H. McLain.

CLERK'S APPOINTMENTS.

The Clerk announced the following appointments for the session of 1907:

(No. 2.)

- Assistant clerk.—Ray B. Smith.
Journal clerk.—W. K. Mansfield.
Assistant journal clerk.—William V. Ross.
Index clerk.—C. H. Wicks.
First assistant index clerk.—J. A. Cole.
Second assistant index clerk.—J. W. Candee.
Financial clerk.—G. A. Matteson.
Assistant financial clerk.—Wm. H. Mott.
Chief, engrossed bills department.—D. W. Evarts.
Chief, revision department.—C. H. Clark.
Deputy clerks.—John A. Elwood, Simon L. Morganstein, J. H. Pratt, J. H. Flanagan, R. N. Backus, D. W. Wilkes, W. H. Hawley, Jr., H. C. Weeks, David Clark, E. E. Jenne, W. J. Rogers, B. Goldschmidt, J. H. Wilcox.
Clerk, committee on engrossed bills.—R. S. Dalzell.
Librarian.—Henry Mabie.
Assistant librarian.—Robt. J. Douglas.
Mail and document carrier.—G. H. Sanderson.
Clerk's stenographer.—H. M. Hoyt.
Superintendent wrapping department.—A. L. Smith.
Assistant superintendent wrapping department.—John Ray, Chas. Bowman, W. S. Lown, D. S. Lombard, F. R. Smith.
Superintendent documents.—A. M. Seymour.
Assistant superintendents documents.—C. W. Van Brocklin, L. G. Hawn, R. W. Bronk, Seward Meeks, Richard Duell.
Chief messenger.—James H. Millard.
Clerk's messenger.—Dwight L. Goewey.
Messengers.—R. C. Derrick, W. Henning, C. Johnston, Jas. D. Taylor, C. F. Wicker, E. A. Smith, W. W. Baird, Jr., P. A. Munson, Clayton Morrell, M. J. McQuade, Geo. Triebel, G. M. Gunther, C. D. Blatchford, F. A. Besserer, R. E. Tesnow, W. J. Donovan, F. D. Lyon, W. A. Brown, Norbet Cohn, Geo. Wilkinson, M. Chapman, A. J. Pratt, Jas. O'Grady, G. M. Miles.
Pages.—J. C. Weber, R. Pennyfeather, J. J. Giguere, Henry Gotha, Thomas Mahoney, W. E. Nolan, John Lynch, W. J.

Baxter, John Cleary, F. J. McGue, W. F. Flynn, Chas. Jatho, Geo. Hutchinson, W. Ostrander, Chas. Eisen, A. W. Webb, C. H. Roberts, H. P. Weller, W. Hensley, C. Minikheim, W. J. Smith, Earl Bush, Chas. Dady, Geo. Brown, B. G. Harrington, T. J. Edelmann, Z. De Bevois, Thomas Jones, A. Ellwood, Chas. Hunter, Viviany S. Moore, E. A. Gossett, Frank Jones, A. Kerner, Edw. P. Smith, A. Newman, W. F. Love, C. Youngbauer, Edw. S. Ford, J. Gundlach.

(No. 3.)

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," relating to the liability of the city for injuries to person or property.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixteen of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled, "An act to revise the charter of the city of Buffalo," is hereby amended to read as follows:

§ 16. No action or proceeding to recover or enforce any claim against the city shall be brought until the expiration of forty days after the claim shall have been filed with the city clerk for presentation to the common council for audit, in the manner and form aforesaid, and no action shall be maintained against the city for personal injury, unless notice of intention to commence such action shall have been filed with the corporation counsel within six months after such cause of action shall have accrued. Before the common council shall audit any claim other than for personal injuries or injuries to property, the board of aldermen shall refer it to the auditor. If the claim be not made out and verified as above required, the board of aldermen may, within thirty days after its presentation, refuse on that ground to audit it. No civil action shall be maintained against the city for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed unless it appear that written notice of the defective, unsafe, dangerous or obstructed condition of such street, highway, bridge, culvert, side-

walk or crosswalk was actually given to the commissioner of public works, and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, or, in the absence of such notice, unless it appears that such defective, unsafe, dangerous or obstructed condition existed for so long a period that the same should have been discovered and remedied in the exercise of reasonable care and diligence. But no such action shall be maintained for damages or injuries to the person sustained in consequence of the existence of snow or ice upon any highway, bridge, sidewalk, crosswalk, or street, unless written notice thereof relating to the particular place, was actually given to the commissioner of public works and there was a failure or neglect to cause such snow or ice to be removed, or the place otherwise made reasonably safe within a reasonable time after the receipt of such notice. All actions brought against the city to recover damages for personal injuries caused by negligence must be commenced within one year from the time of receiving the injuries.

§ 2. This act shall take effect immediately.

(No. 4.)

AN ACT to amend section fifteen hundred and thirty-one of chapter four hundred and ten of the laws of eighteen hundred and eighty-two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," as amended by chapter two hundred and fifty-six of the laws of eighteen hundred and eighty-four, as amended by chapter five hundred and fifty-eight of the laws of eighteen hundred and eighty-six, as amended by chapter five hundred and twenty-nine of the laws of eighteen hundred and ninety, and as amended by section six of chapter ten hundred and four of the laws of eighteen hundred and ninety-five, in relation to the salaries of the record clerks of the court of general sessions of the peace in and for the county of New York.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifteen hundred and thirty-one of chapter four hundred and ten of the laws of eighteen hundred and eighty-

two, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York," as amended by chapter two hundred and fifty-six of the laws of eighteen hundred and eighty-four, as amended by chapter five hundred and fifty-eight of the laws of eighteen hundred and eighty-six, as amended by chapter five hundred and twenty-nine of the laws of eighteen hundred and ninety, and as amended by section six of chapter ten hundred and four of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

§ 1531. The clerk of the court of general sessions shall receive a salary of five thousand dollars per annum for his services as such. The deputy clerk shall receive a salary of three thousand dollars, per annum, the assistant clerk appointed by the clerk shall receive a salary of three thousand dollars per annum, each of the deputy clerks appointed by the said court shall receive an annual salary of three thousand dollars, each of the stenographers shall receive an annual salary of two thousand five hundred dollars; each of the interpreters and each of the record clerks shall receive an annual salary of two thousand dollars; [and each of the record clerks] and each of the [chief] court attendants shall receive an annual salary of one thousand [two] five hundred dollars. The comptroller of the city is authorized and directed to pay such clerk, deputy clerks, assistant clerk, stenographers, interpreters, record clerks, and [chief] court attendants such salaries in monthly instalments out of the county treasury.

§ 2. This act shall take effect immediately.

(No. 5.)

AN ACT to legalize the proceedings of a meeting of the voters of union free school district number six, towns of Perry and Castile, county of Wyoming, and of the board of education of said district in the issuance and sale of bonds to the amount of fifty thousand dollars.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the acts and proceedings heretofore had or taken by the legal voters of union free school district number six, towns

of Perry and Castile, county of Wyoming, relative to the erection of a new school building in said district as authorized by the qualified voters of such district at a meeting therefor called and held on the fifteenth day of August, nineteen hundred and five, and voting an appropriation therefor of fifty thousand dollars in anticipation of funds to be derived from the issuance and sale of district bonds, and all acts and proceedings heretofore had or taken by the board of education of such district relative to the issuance and sale of the bonds of said district in the sum of fifty thousand dollars for the erection of said building, are hereby ratified and legalized in all respects. The said board of education is hereby authorized, empowered and directed to execute and deliver said bonds in accordance with and pursuant to said proceedings. The board of education of said district is further authorized, empowered and directed, pursuant to the provisions of the consolidated school law, to raise annually by tax upon the taxable property of said district such sum as shall be necessary to pay the interest due on said bonds and the principal of said bonds as the same shall mature until such interest and principal shall be paid in full.

§ 2. This act shall not affect any action or proceeding now pending in any court.

§ 3. This act shall take effect immediately.

(No. 6.)

AN ACT to confer jurisdiction upon the court of claims to hear, audit and determine all claims against the state of New York, filed before this act becomes a law, for damages alleged to have been sustained by such persons at and on Fourth Lake of the Fulton Chain of Lakes in the counties of Herkimer and Hamilton in the winter of nineteen hundred five and six, and spring of nineteen hundred six.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby determined upon the court of claims to hear, audit and determine the several alleged claims of

each of the persons who file a claim with the court of claims prior to the time this act becomes a law, against the state of New York, for damages alleged to have been sustained by them during the winter of nineteen hundred five and six and spring of nineteen hundred six, through the alleged negligence of the state, its officers and agents, at Fourth Lake of the Fulton Chain, in the counties of Herkimer and Hamilton, and to make an award and render judgment therefor against the state and in favor of said claimants.

§ 2. No award shall be made or judgment rendered herein against the state, unless the facts proved shall make out a case against the state which would create a liability were the same established by evidence in a court of law or equity against an individual or corporation; and in case such liability shall be satisfactorily established then the court of claims shall award to and render judgment for the claimants respectively for such sum or sums as shall be just and equitable notwithstanding the lapse of time since the accruing of damages and notwithstanding no written notice of intention to file a claim against the state has been filed with the clerk of the court of claims and the attorney general, provided the respective claimants shall, before this act takes effect, file in the office of the clerk of the court of claims a duly verified statement of claim as required by the code of civil procedure in such cases made and provided and as required by the rules and practice of said court of claims.

§ 3. This act shall take effect immediately.

(No. 7.)

AN ACT authorizing the board of taxes and assessments in the city of New York to cancel and annul certain unpaid taxes upon the real estate, in said city, belonging to the friendly aid society.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of taxes and assessments of the city of New York is hereby authorized, in its discretion, to cancel and

annul any and all taxes heretofore levied and assessed, and now unpaid since January first, eighteen hundred and nine-five, upon the real estate in the city of New York, used for charitable purposes and belonging to the friendly aid society, situated at numbers two hundred and forty-six and two hundred and forty-eight East Thirty-fourth street and designated on the map of the department of taxes and assessments of said city as in block nine hundred and fourteen, section three, lots numbers thirty-six and thirty-seven.

§ 2. This act shall take effect immediately.

(No. 8.)

AN ACT to regulate the payment of fares on electric surface railroads.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. A corporation owning or operating an electric surface railroad, on which cars receive passengers at points between regular ticket offices, shall not charge a passenger who, without a ticket, boards a car between such offices any sum whatever in excess of the rate per mile lawfully charged by the company in fixing the price of a ticket good for passage over a route which includes the one taken by such passenger, excepting that the whole fare so charged may be at least five cents, or the nearest exact multiple of five cents above the amount of the exact fare. No such railroad shall charge or collect a fare of over two cents a mile when a ticket is issued therefor except that it may charge a minimum fare of five cents for one continuous ride. The provisions of this section shall not apply to that portion of any such railroad operated within a city where a separate city fare is charged.

§ 2. For each violation of any of the provisions of section one of this act the corporation violating the same shall be thereby subjected to a penalty of one hundred dollars, recoverable by the person aggrieved thereby.

§ 3. This act shall take effect immediately.

(No. 9.)

AN ACT to provide that assessments due and payable after January first, nineteen hundred and seven, pursuant to chapter two hundred and forty-four of the laws of eighteen hundred and seventy-eight and the acts amendatory thereof, for laying out and improving Prospect park in the city of Brooklyn shall be paid by the city of New York, and providing for refunding of any such assessments heretofore paid.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All assessments or installments which become due or will become due and payable after January first, nineteen hundred and seven, pursuant to chapter two hundred and forty-four of the laws of eighteen hundred and seventy-eight, entitled "An act relating to the assessment of Prospect park in the city of Brooklyn," as amended by chapter thirty-three of the laws of eighteen hundred and ninety, shall be borne by and paid by the city of New York, and the board of assessment and apportionment shall annually raise sufficient money for such purpose.

§ 2. Any person who under the provisions of said act paid one or more assessments or installments which became or will become due and payable after January first, nineteen hundred and seven, may present to the comptroller of the city of New York a claim for all moneys so paid in advance, and upon proof of the fact of such payment the comptroller shall repay to such person any sum so paid in advance, with interest to the time of repayment; and for such purpose the comptroller shall issue special revenue bonds which shall be included by the board of estimate and apportionment in the annual tax levy for the year subsequent to such repayment.

§ 3. This act shall not affect the payment or collection of any assessment or installment due prior to January first, nineteen hundred and seven, nor any action or proceeding therefor.

§ 4. This act shall take effect immediately.

(No. 10.)

AN ACT to amend an act entitled "An act to extend the time within which the International Railway Company and the Crosstown Street Railway Company of Buffalo shall complete their railroads in the city of Buffalo and begin the operation of the same beyond their present construction and operation."

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter six hundred and thirty-seven of the laws of nineteen hundred and three, entitled "An act to extend the time within which the International Railway Company and the Crosstown Street Railway Company of Buffalo shall complete their railroads in the city of Buffalo and begin the operation of the same beyond their present construction and operation," is hereby amended to read as follows:

§ 1. The time within which the International Railway Company and the Crosstown Street Railway Company of Buffalo shall complete the construction of their railroads in the city of Buffalo and begin the operation of the same beyond their present construction and operation is hereby extended until the thirty-first day of December, (nineteen hundred and seven) nineteen hundred and eleven.

§ 2. This act shall take effect immediately.

(No. 11.)

AN ACT creating the office of county attorney in and for certain counties.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby created in and for each of the counties of Cayuga and Onondaga the office of county attorney. The county attorney of each of said counties shall be an attorney of the supreme court and shall be appointed by the board of supervisors thereof. The board of supervisors of each of said counties

shall prescribe the duties, fix the term of office and determine the salary of county attorney. Such salary shall be a county charge to be paid in the same manner as the salaries of other county officers.

§ 2. This act shall take effect immediately.

(No. 12.)

Substitute for Assembly bill No. 745 the following:

AN ACT to amend the primary election law relative to the application of its provisions to political parties.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifteen of chapter one hundred and seventy-nine of the laws of eighteen hundred and ninety-eight entitled "An act in relation to enrollment for political parties, primary elections, conventions, and political committees," as amended by chapter four hundred and seventy-three of the laws of eighteen hundred and ninety-nine to constitute section thirteen of said act, is hereby further amended to read as follows:

§ 13. [Option to certain] Applications of provisions to political parties.—[No party which at the last preceding election of a governor, cast less than three per centum of the entire vote cast in the state for governor, shall be subject to the provisions of this act, unless on or before the first day of July, in any year, such party shall elect to come in under the same. The evidence of such election shall be a certificate filed by the chairman and secretary of the state committee of such party with the secretary of state and with the custodian of primary records for each city and village to which this act is applicable. In case such a certificate shall be so filed, the party on behalf of which it is filed, shall be subject to the provisions of this act on and after the first day of registration next succeeding, and thereafter its enrollment, primary elections, conventions and committees shall proceed in accordance therewith until such time as a certificate of its election to be no longer subject to the provisions of this act shall be

filed with the officers above mentioned.】 The provisions of this act shall apply to all political parties.

§ 2. This act shall take effect immediately.

(No. 13.)

AN ACT to amend the penal code in relation to carrying, using, et cetera, certain weapons and the punishment therefor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred and ten of the penal code is hereby amended to read as follows:

§ 410. Carrying, et cetera, dangerous weapons.—A person who attempts to use against another, or who carries, or possesses any instrument or weapon of the kind commonly known as a slung shot, billy, sandclub or metal knuckles, or who with intent to use the same against another, carries or possesses a dagger, dirk or dangerous knife is guilty of a felony. Any person under the age of sixteen years, who shall have, carry or have in his possession in any public place any of the articles named or described in the last section which it is forbidden therein to offer, sell, loan, lease or give to him, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding fifty dollars, or by imprisonment of not exceeding six months, or both such fine and imprisonment. Any person over the age of sixteen year, who shall have or carry concealed upon his person in any city or village of this state, any pistol, revolver or other firearm without a written license therefor, theretofore issued to him by a police magistrate of such city or village, or in such manner as may be prescribed by ordinance of such city or village shall be guilty of a misdemeanor. No person not a citizen of the United States shall have or carry firearms or dangerous weapons in any public place at any time. This section shall not apply to the regular and ordinary transportation of firearms as merchandise, nor to sheriffs, policemen, or to other duly appointed peace officers, nor to duly authorized military or civil organizations when parading, nor to the members thereof when going to and from the places of meeting of their respective organizations.

§ 2. This act shall take effect September first, nineteen hundred and seven.

(No. 14.)

AN ACT to amend the penal code, in relation to cigar making.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal code is hereby amended by adding thereto a new section, after section four hundred and eight-a — thereof, to be section four hundred and eight-b —, to read as follows:

408-b. It shall be unlawful for any person making cigars to place any cigar, or the materials composing it, in his or her mouth, or to touch the same with his or her tongue or lips, during and as part of the process of making the same. It shall likewise be unlawful for any person, firm or corporation engaged in cigar making to knowingly suffer or permit any employee to use the method of cigar making hereinabove prohibited. Each such person, firm or corporation shall supply each cigar maker in his, their or its employ, with suitable sponges and water to be used exclusively for moistening the cigar wrappers preparatory to fastening the same, and to keep such sponges and water at all times clean and every cigar maker working as an employee shall use the sponges and water, with which he is furnished by the employer, and for such purposes exclusively.

§ 2. Each violation of any of the provisions of section one of this act, by any person, persons or corporation, is hereby made a misdemeanor and punishable accordingly.

§ 3. This act shall take effect September first, nineteen hundred and seven.

(No. 15.)

AN ACT for the relief of the town of Forestburgh in the county of Sullivan.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The supervisor of the town of Forestburgh shall cause to be made a correct account of the unpaid taxes of nineteen hundred four upon lands of non-residents and corporations in said town which should have been returned to the comptroller, pursuant to section one hundred of the tax law, and shall add

to the assessment roll of the town of Forestburgh for the year nineteen hundred seven such of said taxes as have not heretofore been admitted by the comptroller, describing them thereon as relieved taxes of nineteen hundred four.

§ 2. The board of supervisors of Sullivan county shall cause to be reassessed and levied upon the lots or parcels of land described in said account the taxes so added by the supervisor and shall direct the collection thereof, and any of said taxes which shall not have been paid to the town collector shall be returned by him to the county treasurer and state comptroller as though they were originally levied as taxes for the year nineteen hundred seven against the lands affected.

§ 3. This act shall take effect immediately.

(No. 16.)

AN ACT to amend the railroad law, in relation to rate of fare.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions two and five and the closing paragraph of section thirty-seven of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws," as amended by chapter six hundred and seventy-six of the laws of eighteen hundred and ninety-two, are hereby amended to read, respectively, as follows:

§ 2. If [a] an independent road, not incorporated prior to May fifteenth, eighteen hundred and seventy-nine, and not located in the counties of New York and Kings, or within the limits of any incorporated city, and not more than twenty-five miles in length, five cents; if a road, whether independent or otherwise, over twenty-five and not more than forty miles, [four] three cents; [and if over forty miles, three cents]. The term "independent road," as used in this subdivision, means a road which is not owned or controlled by a corporation owning or operating any other railroad or by the person, persons or directors, directly or indirectly, having the control of such other railroad or of the corporation which owns or operates it; and when an independent road ceases to be such, as herein defined, the provisions of this sub-

division relating thereto shall not apply. [Where by the laying down of a third rail upon a railroad of the ordinary gauge, a narrow-gauge track is created and used for the transportation of passengers, and the length of the road does not exceed six miles, including any connecting road of the same gauge, such railroad, for the purpose of fare shall be deemed a narrow-gauge road.

§ 5. In all other cases [three] two cents for every such mile or fraction thereof, with the right to a minimum single fare of not less than five cents.

This chapter shall not be construed to allow any rate of fare for way passengers greater than two cents per mile to be charged or taken over the track or tracks of [the railroad known as the New York Central railroad company] any railroad corporation in this state, except as herein expressly provided, and the rate of fare for way passengers over the track or tracks of any such company shall [continue to] be two cents per mile and no more. [, wherever it is restricted to that rate of fare, nor shall any consolidated railroad corporation charge a higher rate of fare per passenger per mile, upon any part or portion of the consolidated line than now allowed by law to be charged by each existing corporation thereon previously to such consolidation.]

§ 2. This act shall take effect immediately.

(No. 16½.)

AN ACT to amend and consolidate the several acts relating to the department of public instruction in the city of Utica, N. Y.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. On and after the first day of January, 1908, the board of education of the city of Utica shall be composed of six commissioners of schools to be elected by the electors of the city at large; and at the general election to be held in 1907, there shall be elected by the electors of the city at large six commissioners of schools, two of whom shall be elected for a term of two years each; two of whom shall be elected for a term of four years each and the other two of whom shall be elected for six years each. Their terms of office shall commence on January 1, 1908. At the biennial city election to be held in the city of Utica next preceding the expiration of the terms of any said

commissioner of schools their successors shall be elected for the terms of six years each. In case a vacancy shall occur in the office of a member of the board of education, for any cause, the mayor of said city shall fill such vacancy by the appointment of a suitable person and the person so appointed shall hold office by virtue of such appointment until and including the thirty-first of December following the next succeeding biennial city election, at which election a commissioner of schools for the unexpired term shall be elected by the electors of the city at large. Commissioners of schools shall serve without pay. Each commissioner, before entering upon his office, shall take and subscribe the oath of office prescribed by the constitution and file the same with the clerk of said city.

The commissioners of common schools in said city shall constitute a board to be styled "board of education of the city of Utica," which shall be a corporate body in relation to all powers and duties conferred upon it by virtue of this act. The said board shall meet for organization on the first Monday of January in each year and at least once in each and every month and at such other times as it shall from time to time appoint. Special meetings shall be called by the secretary upon order of the president or upon request of the majority of the members of said board. A majority of said board shall constitute a quorum for the transaction of business. In the absence of a quorum a minority of said board may adjourn a meeting from day to day. The said board shall, at the first regular meeting in January of each year, elect one of its members president, who shall, when present preside at all its meetings. In the absence of the president the said board shall elect some other member to preside at such meetings and to perform the duties of president during such absence.

§ 2. Any member of the said board of education may be removed by the mayor of said city upon proof either of official misconduct in office, or of negligence of official duties, or of conduct in any manner connected with his official duty, which tends to discredit his office or the school system, or for mental or physical inability to perform his duties as a member of said board; but before such removal of said member he shall receive due and timely notice in writing of the charges against him and a copy thereof, and shall be entitled to a hearing, on like notice, before the mayor and to the assistance of counsel on said hearing.

§ 3. The said board of education shall manage, control, maintain and provide for the public schools of said city, and the

public school system thereof, which system shall be known as the department of education of the said city of Utica, and shall manage and control the property, real and personal, which shall belong to the said city and be used for the purposes of education subject only to the general statutes of the state relating to public schools and public school instruction and to the provisions of this act.

§ 4. The said board shall have power:

1. To establish kindergartens, common schools, one or more high schools, manual training schools or classes, evening classes, or schools for special studies, training schools or classes for teachers, and truant schools, and shall have power to discontinue or consolidate schools.

2. To change the grades of all schools or of any school, and of all classes of any high school or other schools under its charge, and to proscribe requirements for admission thereto, and to adopt and modify courses therefor.

3. To establish and maintain one or more summer play grounds for children.

4. To fix a standard of qualifications as a necessary requirement for the service of all principals and teachers in the high schools and the other schools of the city, which requirements may be higher than the minimum qualifications required by the general laws of the state and the provisions of this act.

5. As herein provided, to purchase, lease or improve sites for school houses; to build, purchase, lease, enlarge, improve, alter and repair school houses and their appurtenances; to purchase, improve, exchange and repair school apparatus, books, furniture and appendages; to procure fuel and defray the contingent expenses of the schools under its control; to pay the wages of all officers, principals, teachers and employees in the said department of education as herein provided.

6. To appoint as herein provided:

a. A superintendent of public schools who shall serve during the pleasure of the board.

b. A secretary of the board of education who shall serve during the pleasure of the board.

c. All assistant superintendents, supervisors, school principals and teachers.

d. All janitors and truant officers subject, however, to the restrictions imposed by the general laws of the state.

e. Such other officers, clerks, subordinates and employees as

it may deem necessary for the proper discharge of its administrative duties.

7. To fill any vacancy which may occur in any of the offices or positions in this section provided for.

8. To allow the children of persons not resident within the city to attend any of the schools of said city, under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition which shall be paid therefor.

9. Subject to the provisions of law and of this act, to enact rules and regulations for the proper administration of the school system of the said city.

§ 5. The said board of education shall fix and regulate within the proper appropriation of money therefor the salaries and compensations of each of the persons appointed by it to any office, place or position, pursuant to the powers granted by the preceding section.

§ 6. The said board of education shall annually make and transmit to the state commissioner of education a report in writing which report shall be in such form and shall state such facts as the state commissioner of education and the school laws of the state shall require.

§ 7. It shall be the duty of said board to prepare and transmit, within ten days following the close of the fiscal year of the said city, to the common council, correct statements of the receipts and disbursements of money, under and in pursuance of the provisions of this act, during said fiscal year, in which account shall be stated, under appropriate heads:

1. The moneys raised by the common council under the provisions of this act.

2. The school moneys received by the city treasurer, from the county treasurer of the state.

3. All other moneys received by the city treasurer subject to the order of the board, specifying the same, and the sources thereof.

4. The manner in which said sums of money shall have been expended; specifying the amount paid under each head of expenditure and whether any part of such fund remains unexpended.

5. Whether any and what claims or bills against the department, or obligations incurred by said department, remain unpaid.

6. The said board shall also, at the same time, certify to the common council the total number of persons registered as pupils in the public schools of said city during the fiscal year.

§ 8. It shall be the duty of said board of education to certify on or before the first day of August, 1907, and on or before the first day of March of each succeeding year, to the common council, an estimate of the amount of moneys required to maintain the department of education for the current year, specifying in detail the objects thereof, under appropriate heads:

1. For salaries of teachers.
2. For buildings, including purchase of sites.
3. For repairs.
4. For books and library.
5. For contingent expenses.

The amount raised for school purposes shall constitute five separate and distinct funds, namely, teachers' fund, building fund, repair fund, books and library fund, and contingent fund.

§ 9. The common council shall have power and it shall be its duty, if the said estimate, certified by the board of education, as herein provided shall not exceed in amount a sum equal to twenty-five dollars per capita, based on the total number of persons enrolled as pupils in the public schools as certified to by the said board of education at the close of the preceding fiscal year, to appropriate and raise by tax to be levied equally on the real and personal estate in said city, which shall be liable to taxation for the ordinary city taxes, or for the city and county charges, such sum or sums of money, so certified to be necessary for the maintenance of the department of education and to defray the expenses of the said department.

§ 10. When the said board of education shall be of opinion that it is necessary to erect one or more new school houses, or to enlarge, or to complete or to furnish, or to make extraordinary repairs upon any one or more school houses, or to purchase land for school purposes, it shall be their duty to state such necessity, with the reasons therefor, in a special written report to be made to the common council of said city, which report shall be filed with the city clerk not later than two months prior to the general election in said city together with an estimate of the probable expense of such erection, enlargement, furnishing, completion, extraordinary repairs or purchase, but this act shall not be construed as preventing said board from using, for the aforesaid

purposes, any of the funds properly applicable thereto by law in addition to the funds provided for by this act.

§ 11. At the general election held in said city next after the filing of said report, the election officers of said city shall submit the question or questions so reported by said board to the electors of said city in accordance with the provisions of the general election law for submitting questions to the said electors of the state or of any district thereof, and if the said board shall have reported more than one of said questions, they shall be separately submitted to said electors.

§ 12. If the number of ballots in favor of any proposition so submitted exceed the number of ballots against the same, it shall be the duty of the common council in addition to the moneys which they are otherwise required by law to raise by tax in the said city, to raise in the same manner that moneys are now raised for the ordinary expenses thereof, either in the ensuing year or in one, two, or three successive years as they shall elect, such sum or sums of money as the board of education in their said report or reports shall have estimated to be probably necessary for the erection, enlargement, furnishing, completion, improvement or extraordinary repair of any school house or school houses and for the purchase of land for school purposes, and for no other purpose whatever. Provided, however, that if the total amount of money voted at any such election for any one or more questions submitted as aforesaid shall equal or exceed the sum of twenty thousand dollars the common council of the said city shall for the purpose of raising the sum or sums so voted, forthwith, upon the official canvass and declaring of the result of said vote, borrow money and issue the corporate bonds of said city to an amount equal to the amount so voted. Said bonds and the interest thereon shall be made payable at such times and place and in such amount as may be ordered by the common council but none of them shall run for more than twenty years. They shall forthwith be signed by the mayor and comptroller, and shall bear interest at a rate not exceeding 5 per centum per annum. Said bonds shall not be sold for less than par, and out of the proceeds thereof the city treasurer shall set apart the sum voted as aforesaid, together with any premium received on the sale of said bonds. The money so set apart shall be kept by the city treasurer as a separate fund to be drawn upon and used by said board of education for the sole purpose of executing the work specified in the question so submitted and voted by the electors.

Any sums remaining unexpended after the completion and execution of such work shall be transferred by said treasurer, and said board to the contingent fund of said board and thereafter be available for the general uses and purposes of said fund. The common council shall, in addition to the other moneys which they are otherwise required by law to raise by tax in said city in the annual city tax levy, and in the same manner that moneys are raised for ordinary city expenses, raise such sums as may be necessary to pay the amount of principal and interest falling due during the ensuing year on the bonds provided for in this section.

§ 13. The moneys provided by the foregoing section when raised shall be paid to the treasurer of the city and be kept by him distinct from other moneys in his hands, subject to be drawn by the said board of education for the expenses of erecting such proposed school house or school houses, or for the enlargement of others, and for no other purpose whatever, except that should any sum remain after the erection or enlargement of a school house or school houses, the same shall be transferred by the said board of education to the "contingent fund" so-called.

§ 14. It shall be the duty of the said board, in all its expenditures and contracts to have reference to the amount of moneys which shall be subject to their order during the then current year for the particular expenditure in question and not to exceed that amount; and they shall apply the moneys raised and received by them for the support of the common schools in said city, in such a manner as shall secure as nearly as may be an equal period of instruction to all the children over five and under twenty-one years of age.

All moneys to be raised pursuant to the provisions of this act and all school moneys by law appropriated to and provided for said city shall be paid to the city treasurer thereof, who together with the sureties upon his official bond, shall be accountable therefor in the same manner as for other moneys of said city. The said city treasurer who shall be the treasurer of the said board shall be liable to the same penalties for any official misconduct in relation to said moneys, as for any similar misconduct in relation to other moneys of said city.

§ 15. Whenever said board of education shall build, enlarge, repair, furnish or supply any school building or buildings, or publish reports of its proceedings, at an estimated expense of not less than one hundred or more than four hundred dollars, it shall

be the duty of the officers of said board having jurisdiction, to procure estimates of such work or supplies from two or more competitors, whenever practicable, and report such estimates to the board for its consideration and action. Whenever such board shall build, enlarge, repair, furnish or supply any school building or buildings or make any improvements or repairs, or purchase any supplies or publish reports of its proceedings the cost of which will exceed four hundred dollars, the board shall proceed as follows:

a. Said board shall advertise for bids for a period of two weeks at least twice each week, in the official newspaper of said city. The resolution providing for the advertising of bids shall be entered in full by the clerk on the records of proceedings of said board.

b. The bids, duly sealed up, shall be filed with the secretary by 12 o'clock noon, of the last day, as stated in the advertisement.

c. The bids shall be opened at the next meeting of the board and publicly read by the secretary.

d. Each bid shall contain the name of every person, firm or corporation interested in the same and shall be accompanied by a sufficient guarantee of some disinterested person, that if the bid is accepted, a contract will be entered into and the performance of it properly secured by bonds duly approved.

e. The board may, in its discretion, accept any bids, either for labor and material or both, which shall be most advantageous to the city, or it may reject any or all bids, as the interests of the city may require.

§ 16. No member of the said board of education shall, during the period he holds said office, be appointed to, or be competent to hold any office of which the emoluments are paid from the city treasury or paid by any fees directed to be paid by any act or ordinance of the board of education, or be directly or indirectly interested in any contract as principal, surety, or otherwise, or the furnishing of any materials or supplies for the city of Utica, directly or indirectly, the expenses of consideration whereof are to be paid under any ordinance, resolution, or order of the board of education.

Any violation of this section shall be deemed a misdemeanor and punishable as such.

§ 17. The secretary of said board shall have charge of the rooms, books, papers and documents of the board except such as

pertain to the office and duties of the superintendent. He shall perform such duties as may be required of him by the board. He shall have the right to administer oaths and take acknowledgments within said city, but without fee. He shall be clerk of the board and shall keep, or cause to be kept, the records of the proceedings thereof. He shall keep or cause to be kept a set of books or records showing the receipts and expenditures separately through each of the different funds of the school board. Said expenditures through each and every fund shall be subdivided so as to show the cost of maintaining each school separately and the supplies used therein. He shall also keep or cause to be kept a series of receipts to be signed by either the principals or janitors certifying to all repairs and improvements made and all supplies received for their respective school buildings and premises. The printed records of said board, or transcript thereof, certified by the president or clerk, shall be received in all courts as prima facie evidence of the facts therein set forth and such records, and all the books, accounts, vouchers and papers of said board shall at all times be subject to the inspection of the common council and of any committee thereof.

§ 18. The superintendent has power and it is his duty to enforce the laws of the state applicable to the public schools of the city of Utica, and all the rules and regulations of said board of education, except as herein provided. He shall visit the schools of the city as often as he can consistently with his other duties, and inquire into the character of the instruction, management and discipline and shall advise and encourage the pupils, teachers and officers thereof. He shall prescribe, subject to the rules of the board, and the provisions therein, suitable registers, blanks, forms and regulations for making all reports and for conducting all necessary business connected with the school system and he shall cause the same, with such information and instructions as he shall deem conducive to the proper organization and government of the schools, to be transmitted to the persons entrusted with the execution of the same. He shall report to said board from time to time, as he may be required or as he may deem necessary, a statement of the condition of the schools, and all such matters relating to his office, and such plans and suggestions for the improvement of the schools and for the advancement of public instruction in the city of Utica as he may deem expedient. He may select and define the duties of

such clerks as are authorized by the board. He shall have the recommendation of the number of teachers necessary for each of the several schools. He shall assign supply teachers to duty whenever occasion requires, and may transfer principals and teachers, and pupils may be transferred from one school to another under the direction of the board. It shall be his duty to maintain proper discipline in the management and conduct of the schools and he may, in his discretion, suspend or expel any pupil guilty of misconduct or insubordination, and may suspend, for cause, any teacher, principal or employee. He shall immediately report such discipline to the board. It shall be his duty to report to the board inefficiency on the part of principals, teachers or employees. He shall nominate all teachers, supervisors and assistant superintendents. He shall enforce the compulsory education law and direct truant officers in the discharge of their duties. He shall recommend all text-books for use in the schools. He may attend state and national educational meetings and visit other school systems as often as he can consistently with his other duties under the direction of the board of education. He shall have right to administer oaths and take acknowledgments within the limits of said city, but without fee. He shall maintain his office in such building as the board may direct and he shall not be required to perform any duty except such as relate to the educational work of the department.

§ 19. The principal, under the general supervision of the superintendent, shall have the direction of the school over which he is placed; shall assign the teachers to their respective grades in the school, and direct them as to methods of instruction and discipline. He may suspend any teacher for a definite time for inefficiency or insubordination. He may suspend any pupil guilty of misconduct or insubordination. He shall report immediately such suspension of either pupil or teacher with reasons therefor in writing, to the superintendent.

§ 20. The said board of education shall consider all nominations of all teachers, principals, supervisors, or assistant superintendents made by the superintendent and upon approval appoint the person so nominated. Any principal or teacher who may have been appointed for three successive years or any assistant superintendent or supervisor or special teacher who may have served for three years, may, upon recommendation of the superintendent, be promoted by the said board of education to permanent service in said school during good behavior; thereafter they

may be suspended or removed as herein provided, only for cause and after a hearing.

§ 21. Any principal, or teacher in the employ of the said department of education at the time of the passage of this act, may upon recommendation of the superintendent, be promoted by said board of education to permanent service and can be removed only in accordance with the provisions hereinafter provided.

§ 22. The said board of education may suspend any principal or teacher for a definite time, and may, for cause, remove any officer, principal, teacher, or employee; provided that no principal or teacher shall be removed until opportunity for a hearing at a meeting of the board shall be given. All suspensions by principals shall be subject to review by the superintendent. Suspensions by the superintendent shall be subject to review by the board. Any person suspended shall not be entitled to salaries for time of suspension unless such suspension is revoked by superior authority.

§ 23. Said board of education shall prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe keeping and preservation of the school houses, lots, and sites, and appurtenances, and of all the property belonging to the city connected with or appertaining to the schools, and shall have power to suggest proper penalty for the violation of such ordinances and regulations.

§ 24. The common council of said city shall have power to pass such ordinances and regulations as the said board of education may report as necessary or proper for the protection, safe keeping, care and preservation of the school house, lots, sites, appurtenances and appendages, libraries and all necessary property belonging to or connected with the schools in said city, and to impose proper penalties for the violation thereof subject to the restrictions and limitations contained in the city charter; and all such penalties shall be collected in the same manner that the penalties for the violation of city ordinances are by law collected, and when collected shall be paid to the treasurer of the city and be subject to the order of the board of education, in the same manner as other moneys raised pursuant to this act.

§ 25. The mayor of said city may investigate any and all charges, claims or proceedings of, or made against the said board of education or any member thereof, or in any way relating to said public schools of said city, and shall have all the powers and

authority which are conferred by law upon any committee or board which is authorized to send for persons and papers.

§ 26. Whenever the said board of education shall report to the common council that it is advisable to sell any of the school houses, lots, or sites or any other real property, now or hereafter belonging to the city and used by the schools, it shall be the duty of the common council to sell the same without unreasonable delay, and upon such terms as the said common council may deem advisable. The board of education, however, shall have power to sell, exchange, or lease any personal property now or hereafter belonging to the city used by the schools, when such sale, exchange, or lease may be deemed advantageous to the said city. The proceeds of all such sales or lease, whether of real or personal property, shall be paid to the treasurer of the city and shall be subject to the order of said board to be expended by them in the purchase, leasing, repairs or improvements of other school houses, lots, furniture, apparatus or appurtenances.

§ 27. The title of all property, real or personal, now held by the city of Utica for school or educational purposes, or which may be hereafter acquired for such purposes, and the title to all property, real or personal, purchased for like purposes with any school moneys, whether derived from the issue of bonds or raised by taxation, shall be vested in the city of Utica; but such property shall be held, controlled and managed by the said board of education. The said city of Utica shall have power to take and hold any property, real or personal, devised, bequeathed, or otherwise transmitted to it for the purpose of education in said city. All actions affecting any such property shall, however, be brought by or against said board of education in its corporate capacity.

§ 28. The public schools shall be free to all children between the ages of five and twenty-one years residing in the city, and all evening schools shall be free to all persons over five years of age residing in the city and who are not enrolled in the public day schools.

§ 29. All statutes of the state and ordinances of the city so far as inconsistent with the provisions of this act are hereby repealed, but such repeal shall not affect any right already existing or accrued or any liability incurred by reason of any violation of any law heretofore existing, or any suit or proceeding already instituted, or action had under the laws or ordinances, unless otherwise provided in this act. But nothing herein contained

shall be construed so as to affect any of the several acts or parts of acts to regulate and improve the civil service of the state of New York.

§ 30. Chapters 137 of the laws of 1942, chapter 131 of the laws of 1844, chapter 7 of the laws of 1846, sections 105 and 106 of chapter 184 of the laws of 1849, chapter 66 of the laws of 1850, chapter 258 of the laws of 1852, chapter 272 of the laws of 1853, chapter 348 of the laws of 1854, section 5 of chapter 164 of the laws of 1856, chapter 572 of the laws of 1857, chapter 269 of the laws of 1858, chapter 129 of the laws of 1862, chapter 129 of the laws of 1864, chapter 115 of the laws of 1867, chapter 390 of the laws of 1867, chapter 118 of the laws of 1870, chapter 666 of the laws of 1873, chapter 243 of the laws of 1877, chapter 15 of the laws of 1889, chapter 10 of the laws of 1893, chapter 998 of the laws of 1895, chapter 1032 of the laws of 1895, chapter 430 and 431 of the laws of 1898, chapter 498 of the laws of 1898, chapter 5622 and 563 of the laws of 1870, chapter 666 of the laws of 1873, chapter 243 of the laws of 1904, are hereby repealed.

§ 31. This act shall take effect on the first day of January, 1908, except that the commissioners provided for in section one of this act shall be elected at the city election to be held on the Tuesday succeeding the first Monday in November, 1907.

(No. 17.)

AN Act to amend chapter seven hundred and twenty-four of the laws of nineteen hundred and five, entitled "An act to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of lands or interest therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters, and other appurtenances for that purpose; and for the appointment of a commission with the powers and duties necessary and proper to attain these objects," in relation to clerks, stenographers, surveyors and other employees to commissioners.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-two of chapter seven hundred and twenty-four of the laws of nineteen hundred and five, entitled

“An act to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of lands or interest therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters, and other appurtenances for that purpose; and for the appointment of a commission with the powers and duties necessary and proper to attain these objects,” is hereby amended to read as follows:

§ 32. The commissioners of appraisal appointed in pursuance of this act shall receive as compensation such fees and expenses as may be taxed by the court upon notice to the corporation counsel [who shall also furnish them with the necessary clerks, stenographers, surveyors and other employees]. The county clerk of the county in which is situated all or the greater part of any lands sought to be taken under the provisions of this act shall act as clerk to such commissioners and shall furnish them with any and all deputy or assistant clerks, stenographers and other employees who may be necessary except surveyors who may be selected when necessary by said commissioners. The corporation counsel of the city of New York shall either in person, or by such assistants or other counsel as he shall designate for the purpose, appear for and protect the interest of the city in all proceedings in court under this act, including the taxation of fees, compensation and expenses and proceedings before the commissioners. The fees of the commissioners and the salaries and compensation of [their] such deputy and assistant clerks, stenographers and other employees, and their necessary traveling expenses, and all other necessary expense in and about the special proceedings provided by this act to be had for acquiring title or extinguishing claims for damages to real estate, and such allowances for counsel fees as may be made by order of the court shall be paid by the comptroller of the city of New York out of the funds hereinafter provided. Such fees, salaries, compensation and expenses shall not be paid until [they have been taxed before] said commissioners and said county clerks shall have stated their several fees, salaries, compensations and expenses to a justice of the supreme court in the judicial district in which the lands or some part thereof are situated and the same shall have been taxed by him upon eight days notice to the corporation counsel of the city of New York. Such allowances shall in no case exceed the limits prescribed by section three thousand two hundred and fifty-three of the code of civil procedure. The salaries and compensation of the per-

sons employed, as provided for in this act, to prepare the necessary surveys, plans and estimates and for other purposes and to direct, supervise and inspect the work required to be done under the provisions of this act, and such other expenses in and about the same as are not herein required to be under contracts let after competition, shall be paid by the comptroller of the city of New York, on the certification of the board of water supply or of such person or persons as it may designate. The compensation and expenses of such of his assistants or other counsel as the corporation counsel may designate to represent and aid him in the performance of his duties under this act, shall also be paid out of the funds hereinafter provided, and upon the certificate of the corporation counsel who shall have power to appoint such assistants or other counsel and to fix their compensation. The various sums of money growing due from time to time, under the terms of the several contracts, made for the doing of the work and furnishing the material required by this act, shall be paid by the comptroller of the city of New York, on the certification of the said board of water supply or such person or persons as it may from time to time designate.

§ 2. This act shall take effect immediately.

(No. 18.)

AN ACT to amend the liquor tax law, in relation to the trial of complaints for public intoxication.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty of chapter one hundred and twelve of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the traffic in liquors, and for the taxation and regulation of the same, and to provide for local option, constituting chapter twenty-nine of the general laws, as amended by chapter three hundred and twelve of the laws of eighteen hundred and ninety-seven, is hereby amended so as to read as follows:

§ 40. Intoxication in a public place.—Any person intoxicated in a public place is guilty of a misdemeanor, and may be arrested without warrant while so intoxicated, and shall be punished by a fine of not less than three nor more than ten dollars,

or by imprisonment not exceeding six months or by both such fine and imprisonment. Courts of special sessions shall have exclusive jurisdiction without a jury to try and determine all complaints for such public intoxication.

The purchase or procurement of liquor for any person to whom it is forbidden to sell liquor under section thirty of this act, is a misdemeanor, punishable upon conviction, by a fine of not less than ten dollars or by imprisonment not exceeding six months or by both such fine and imprisonment.

§ 2. This act shall take effect immediately.

(No. 19.)

AN ACT to amend the Greater New York charter, in relation to territory for the accomodation and use of canal boats and barges.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight hundred and fifty-four of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, and amended by chapter three hundred and forty-two of the laws of nineteen hundred and six, is hereby amended to read as follows:

CANAL BOATS — TERRITORY APPROPRIATED TO.

All that part of the water adjacent to the wharves of the city of New York, as hereinbefore known and bounded, commencing at the easterly side of pier four, and westerly side of pier seven, East river, shall hereafter from the twentieth day of March to the thirty-first day of December in each year, be set apart, kept, and reserved for the exclusive use and accomodation of canal boats and barges engaged in the business of transporting property on the Hudson river, north of Castleton, or coming to tide water from the canals of the state, arriving in said city from the city of Albany or any part or place north or west thereof, and for the use of lighters engaged in loading or unloading such boats or barges; and no lease shall be made of any of the piers, wharves or bulkheads included within said boundaries that shall permit the

use thereof during the period above specified otherwise than for the lying at or loading or unloading such canal boats and barges and for the accommodation of merchandise or other property unloaded from or to be loaded thereof; and it shall be the duty of the commissioner of docks and of all officers who are now, or hereafter shall be empowered by law, or by any ordinance of the city of New York, as constituted by this act, to regulate or station ships and vessels in the harbor of said city, to prohibit and prevent all other boats, ships or vessels from entering any of the slips or approaching or lying at any of the wharves between the point aforesaid and the easterly side of pier number eight, East river aforesaid during the period above specified, [when such slips or the wharves connected therewith shall be required for the use and accommodation of the canal boats and barges hereinbefore mentioned;] and the said commissioner of docks, or other officer aforesaid, shall assign such other accommodations for said canal boats and barges in other parts of the port of New York, as may, from time to time, be necessary in receiving or discharging their cargoes.

§ 2. This act shall take effect immediately.

(No. 20.)

AN ACT to amend chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, as amended by chapter six hundred and eighty-seven of the laws of nineteen hundred and six, entitled "An act in relation to liens, constituting chapter forty-nine of the general laws," in relation to liens on personal property.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-three of article six of chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, as amended by chapter six hundred and eighty-seven of the laws of nineteen hundred and six, entitled "An act in relation to liens, constituting chapter forty-nine of the general laws," is hereby amended to read as follows:

§ 73. Warehouse liens.—A warehouse company, warehouseman, auctioneer, or other person lawfully engaged in the business of storing goods or chattels or either of them for hire with whom is left with or without consent on his part. goods and

chattels, or either of them, has a lien on said goods and chattels so deposited and stored for commissions, storage charges, and for moneys advanced for cartage, labor, weighing and coopering in relation to said goods and chattels, or other goods and chattels belonging to the same owner; and he may detain said goods and chattels until his lien is paid.

§ 2. This act shall take effect immediately.

(No. 21.)

AN ACT to amend section eight hundred and fifty-nine of the Greater New York charter, relative to wharfage rates on harbor lighters and other vessels at the port of New York.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight hundred and fifty-nine, of the Greater New York charter, is hereby amended to read as follows:

§ 859. It shall be lawful to charge and receive within the city of a Greater New York, wharfage and dockage at the following rates, namely: From every vessel that uses or makes fast to any pier, wharf or bulkhead within said city, [or makes fast to any vessel lying at such pier, wharf or bulkhead, or to any vessel lying outside of such vessel,] for every day of twenty-four hours, [or part of a day,] excepting as hereinafter provided, as follows: from every vessel of two hundred tons burden and under, two cents per ton; and for every vessel over two hundred tons burden, two cents per ton for each of the first two hundred tons burden and one-half of one cent for every additional ton, except that, save as hereinafter provided, vessels known as North river barges, and all harbor lighters or barges, canal boats, market boats and barges, sloops, employed upon the rivers and waters of this state, and schooners exclusively employed upon the rivers and waters of this state, shall pay for every such vessel [under the burden of fifty tons] at the rate of fifty cents per day, of twenty-four hours, [for every such vessel, of the burden of fifty tons and under the burden of one hundred tons, at the rate of sixty-two and one-half cents per day; for every such vessel of the burden of one hundred tons and under the burden of one hundred and fifty tons, at the rate of seventy-five cents per day; for every such vessel of the burden of one hundred and fifty tons and under the burden of two hundred tons, at the rate of eighty-seven and a half cents per day;

and for every such vessel of the burden of two hundred tons and under the burden of two hundred and fifty tons, at the rate of one hundred cents per day; for every such vessel of the burden of two hundred and fifty tons and under the burden of three hundred tons, at the rate of one hundred and twelve and a half cents per day; for every such vessel of the burden of three hundred tons and under the burden of three hundred and fifty tons, at the rate of one hundred and twenty-five cents per day; for every such vessel of the burden of three hundred and fifty tons and under the burden of four hundred tons, at the rate of one hundred and thirty-seven and a half cents per day; for every such vessel of the burden of four hundred tons and under the burden of four hundred and fifty cents per day for every such vessel of the burden of four hundred and fifty tons, and under the burden of five hundred tons, at the rate of one hundred and sixty-two and a half cents per day; for every such vessel of the burden of five hundred tons and under the burden of five hundred and fifty tons, at the rate of one hundred and seventy-five cents per day; for every such vessel of the burden of five hundred and fifty tons and under the burden of six hundred tons, at the rate of one hundred and eighty-seven and a half cents per day; for every such vessel of the burden of six hundred tons and upwards, to pay twelve and a half cents, in addition for every fifty tons, in addition to the rate last mentioned,] for every day of twenty-four hours, such ship or vessel shall use or be made fast to any of the said wharves; [but no boat or vessel of over fifty tons burden shall pay less than fifty cents a day or part of a day,] and the class of sailing vessels now known as lighters shall be at one-half the first above rates. Every other vessel making fast to a vessel or a pier, wharf or bulkhead within said city, [or to another vessel outside of such vessel or at anchor within any slip or basin,] when not receiving or discharging cargo or ballast, one-half of the first above rates; and from every vessel or floating structure other than those above named, or used, for transportation of freight or passengers, double the first above rates, except that floating grain elevators shall pay one-half the first above rates; [and every vessel that shall leave a pier, wharf, bulkhead, slip or basin, without first paying the wharfage or dockage due thereon, after being demanded of the owner, consignee or person in charge, of the vessel, shall be liable to pay double the rates established by this section.]

§ 2. This act shall take effect immediately.

(No. 22.)

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," relative to ward boundaries, composition, election and powers of the common council, and the election of supervisors.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter one hundred and five of the laws of eighteen hundred and ninety-one, as amended by chapter six hundred and forty-four of the laws of nineteen hundred and five, and as amended by chapter three hundred and thirteen of the laws of nineteen hundred and six, is hereby amended so as to read as follows:

Section 3. [The city shall be divided into twenty-five wards, bounded respectively as follows:

FIRST WARD.

All that portion of the city included in the following boundary shall be known as the first ward, to wit: Beginning at the intersection of the center lines of Main street and Perry street; thence along the center line of Main street southerly to the center line of Buffalo river; thence westerly along the center line of Buffalo river to a point in the westerly boundary of the state of New York opposite the mouth of Buffalo river; thence southerly along the westerly boundary of the state of New York to the intersection with a line which would be formed if the easterly track of the Buffalo Creek railroad were continued in a straight line to the westerly boundary of the state of New York; thence north-easterly along the center of said line to the easterly track of the Buffalo Creek railroad as now located in the center line of Perry street; thence westerly along the center line of Perry street to the intersection of the center lines of Main street and Perry street, the place of beginning.

SECOND WARD.

Beginning at the intersection of the center lines of Main street and Seneca street; thence southerly along the center line of Main street to the intersection of the center lines of Main street and Perry street; thence easterly along the center line of Perry street

to the intersection of the center lines of Perry street and Babcock street; thence northerly along the center line of Babcock street to the intersection of the center lines of Babcock street and Seneca street to the intersection of the center lines of Main street and Seneca street, the place of beginning.

THIRD WARD.

Beginning at the intersection of the center lines of Main street and Eagle street; thence southerly along the center line of Main street to the intersection of the center lines of Main street and Seneca street; thence easterly along the center line of Seneca street to the intersection of the center lines of Seneca street and Babcock street; thence northerly along the center line of Babcock street to the intersection of the center lines of Babcock street and Clinton street; thence westerly along the center line of Clinton street to the intersection of the center lines of Clinton street and Fillmore avenue; thence southerly along the center line of Fillmore avenue to the intersection of the center line of Fillmore avenue and Eagle street; thence westerly along the center line of Eagle street to the intersection of the center lines of Main street and Eagle street, the place of beginning.

FOURTH WARD.

Beginning at the intersection of the center lines of Babcock street and Clinton street; thence southerly along the center line of Babcock street to the intersection of the center lines of Babcock street and Perry street; thence westerly along the center line of Perry street to the easterly boundary of the first ward; thence southwesterly along said eastern boundary of the westerly boundary of the state of New York; thence southeasterly along said westerly boundary to its intersection with the southerly boundary of the said city; thence easterly along the southerly boundary of said city and northerly along the easterly boundary of said city to its intersection with the center line of Clinton street; thence westerly along the center line of Clinton street to the intersection of the center lines of Clinton street and Babcock street, the place of beginning.

FIFTH WARD.

Beginning at the intersection of the center lines of Main street and Goodell street; thence southerly along the center line

of Main street to the intersection of the center lines of Main street and Eagle street; thence easterly along the center line of Eagle street to the intersection of the center lines of Eagle street and Pine street; thence northerly along the center line of Pine street to the intersection of the center lines of Pine street and William street; thence easterly along the center line of William street to the intersection of the center lines of William street and Bennett street; thence northwesterly along the center lines of Bennett street and Ash street to the intersection of the center lines of Genesee street and Ash street; thence westerly along the center line of Genesee street to the intersection of the center lines of Genesee street and Michigan street; thence northerly along the center line of Michigan street to the intersection of the center lines of Michigan street and Goodell street; thence westerly along the center line of Goodell street to the intersection of the center lines of Main street and Goodell street, the place of beginning.

SIXTH WARD.

Beginning at the intersection of the center lines of Broadway and Bennett street; thence southeasterly along the center line of Bennett street to the intersection of the center lines of Bennett street and William street; thence westerly along the center line of William street to the intersection of the center lines of William street and Pine street; thence southerly along the center line of Pine street to the intersection of the center lines of Pine street and Eagle street; thence easterly along the center line of Eagle street to the intersection of the center lines of Eagle street and Madison street; thence northerly along the center line of Madison street to the intersection of the center lines of Madison street and Broadway; thence westerly along the center line of Broadway to the intersection of the center lines of Bennett street and Broadway, the place of beginning.

SEVENTH WARD.

Beginning at the intersection of the center lines of Madison street and Broadway; thence southerly along the center line of Madison street to the intersection of the center lines of Madison street and Eagle street; thence easterly along the center line of Eagle street to the intersection of the center lines of Eagle street and Smith street; thence northerly along the center line of Smith street to the intersection of the center lines of Smith street and Broadway; thence westerly along the center line of Broadway

to the intersection of the center lines of Broadway and Madison street, the place of beginning.

EIGHTH WARD.

Beginning at the intersection of the center lines of Broadway and Smith street; thence southerly along the center line of Smith street to the intersection of the center lines of Smith street and Eagle street; thence easterly along the center line of Eagle street to the intersection of the center lines of Eagle street and Fillmore avenue; thence northerly along the center line of Fillmore avenue to the intersection of the center lines of Fillmore avenue and William street; thence easterly along the center line of William street to the intersection of the center line of William street and the center of a line which would be formed by the extension of Milburn street to William street; thence northerly along the center of said line and the center line of Milburn street to the intersection of the center lines of Milburn street and Broadway; thence westerly along the center line of Broadway to the New York Central belt line track (as now located); thence northerly along said belt line track to the center of a line formed by the extension of Stanislaus street eastward to said belt line track; thence westerly along the center of said line and the center line of Stanislaus street to the intersection of the center lines of Stanislaus street and Beek street; thence southerly along the center line of Beek street to the intersection of the center lines of Beek street and Broadway; thence westerly along the center line of Broadway to the intersection of the center lines of Broadway and Smith street, the place of beginning.

NINTH WARD.

Beginning at the intersection of the center lines of Broadway and Milburn street; thence southerly along the center line of Milburn street and the center of a line which would be formed by the extension of Milburn street to William street to the intersection of the center of said line with the center line of William street; thence westerly along the center line of William street to the intersection of the center lines of William street and Fillmore avenue; thence southerly along the center line of Fillmore avenue to the intersection of the center lines of Fillmore avenue and Clinton street; thence easterly along the center line of Clinton street to the easterly boundary of the said city; thence northerly along the easterly boundary of said city to the intersection of said

easterly boundary and the center line of Broadway; thence westerly along the center line of Broadway to the intersection of the center lines of Broadway and Milburn street, the place of beginning.

TENTH WARD.

Beginning at the intersection of the center lines of Genesee street and Ash street; thence southeasterly along the center line of Ash street to the intersection of the center lines of Ash street and Broadway; thence easterly along the center line of Broadway to the intersection of the center lines of Broadway and Sherman street; thence northerly along the center line of Sherman street to the intersection of the center lines of Sherman street and Genesee street; thence southwesterly along the center line of Genesee street to the intersection of the center lines of Genesee street and Ash street, the place of beginning.

ELEVENTH WARD.

Beginning at the intersection of the center lines of Genesee street and Sherman street; thence southerly along the center line of Sherman street to the intersection of the center lines of Sherman street and Broadway; thence easterly along the center line of Broadway to the intersection of the center lines of Broadway and Beck street; thence northerly along the center line of Beck street to the intersection of the center lines of Beck street and Stanislaus street; thence easterly along the center line of Stanislaus street and the center of a line formed by the extension of Stanislaus to the New York Central belt line tracks; thence northerly along the said New York Central belt line tracks to the center line of Walden avenue; thence westerly along the center line of Walden avenue and Best street to the intersection of the center lines of Best street and Herman street; thence southerly along the center line of Herman street to the intersection of the center lines of Herman street and Genesee street; thence southwesterly along the center line of Genesee street to the intersection of the center lines of Genesee street and Sherman street, the place of beginning.

TWELFTH WARD.

Beginning at the intersection of the center lines of Delavan avenue and Girder street; thence southerly along the center line of Girder street to the intersection of the center lines of Girder

street and Ferry street; thence westerly along the center line of Ferry street to the New York Central belt line tracks as now located; thence southerly along the New York Central belt line tracks to the center line of Broadway; thence easterly along the center line of Broadway to the easterly boundary of the said city; thence northerly along the easterly boundary of said city to the center line of Delavan avenue; thence westerly along the center line of Delavan avenue to the intersection of the center lines of Delavan avenue and Girder street, the place of beginning.

THIRTEENTH WARD.

Beginning at the intersection of the center lines of Main street and North street; thence southerly along the center line of Main street to the intersection of the center lines of Main street and Goodell street; thence easterly along the center line of Goodell street to the intersection of the center lines of Goodell street and Michigan street; thence southerly along the center line of Michigan street to the intersection of the center lines of Genesee street and Michigan street; thence northeasterly along the center line of Genesee street to the intersection of the center lines of Genesee street and Hickory street; thence northwesterly along the center line of Hickory street to the intersection of the center lines of Hickory street and Cherry street; thence northeasterly along the center line of Cherry street to the intersection of the center lines of Cherry street and Locust street; thence northerly along the center line of Locust street to the intersection of the center lines of Locust street and North street; thence westerly along the center line of North street to the intersection of the center lines of Main street and North street, the place of beginning.

FOURTEENTH WARD.

Beginning at the intersection of the center lines of North street and Locust street; thence southerly along the center line of Locust street to the intersection of the center lines of Locust street and Cherry street; thence southwesterly along the center line of Cherry street to the intersection of the center lines of Cherry street and Hickory street; thence southerly along the center line of Hickory street to the intersection of the center lines of Genesee street and Hickory street; thence northeasterly along the center line of Genesee street to the intersection of the center lines of Herman street and Genesee street; thence northerly along the

center line of Herman street to the intersection of the center lines of Herman street and Best street; thence westerly along the center line of Best street to the intersection of the center lines of Best street and Jefferson street; thence southerly along the center line of Jefferson street to the intersection of the center lines of Jefferson street and North street; thence westerly along the center line of North street to the intersection of the center lines of North street and Locust street, the place of beginning.

FIFTEENTH WARD.

Beginning at the intersection of the center lines of Main street and Delavan avenue; thence southwesterly and southerly along the center line of Main street to the intersection of the center lines of Main street and North street; thence easterly along the center line of North street to the intersection of the center lines of North street and Jefferson street; thence northerly along the center line of Jefferson street to the intersection of the center lines of Jefferson street and Delavan avenue; thence westerly along the center line of Delavan avenue to the intersection of the center lines of Main street and Delavan avenue, the place of beginning.

SIXTEENTH WARD.

Beginning at the intersection of the center lines of Delavan avenue and Jefferson street; thence southerly along the center line of Jefferson street to the intersection of the center lines of Jefferson street and Best street; thence easterly along the center lines of Best street and Walden avenue to the New York Central belt line tracks as now located; thence northerly along the said belt line tracks to the center of Ferry street; thence easterly along the center of Ferry street to the intersection of the center lines of Ferry street and Grider street; thence northerly along the center line of Grider street to the intersection of the center lines of Grider street and Delavan avenue; thence westerly along the center line of Delavan avenue to the intersection of the center lines of Delavan avenue and Jefferson street, the place of beginning.

SEVENTEENTH WARD.

Beginning at the intersection of the center lines of Main street and Delavan avenue; thence easterly along the center line of Delavan avenue to the easterly boundary of the city; thence northerly along the easterly boundary of the city to the northerly

boundary of the city; thence westerly along the northerly boundary of the city to the easterly boundary of the city; thence northerly along the easterly boundary of the city to the northerly boundary of the city; thence westerly along the northerly boundary of the city to the center line of Delaware avenue; thence southerly along the center line of Delaware avenue to the center of Scajawuada creek; thence along the center of Scajawuada creek to the center line of Main street; thence along the center line of Main street to the intersection of the center lines of Main street and Delavan avenue, the place of beginning.

EIGHTEENTH WARD.

Beginning at the intersection of the northerly boundary of the city and the center line of Delaware avenue; thence southerly along the center line of Delaware avenue to the center line of Scajawuada creek; thence westerly along the center line of Scajawuada creek to the westerly boundary of the state of New York, excluding any portion of Squaw island; thence northerly along the westerly boundary and the northwesterly boundary of the city; thence northeasterly, southeasterly and easterly along the northerly boundary of the city to the intersection of the northerly boundary of the city and the center line of Delaware avenue, the place of beginning.

NINETEENTH WARD.

Beginning at the intersection of the center lines of Main street and Scajawuada creek; thence westerly along the center line of Scajawuada creek to the westerly boundary of the state of New York, including Squaw island; thence southerly along the westerly boundary of the state of New York to a point on the center line of Delavan avenue extended; thence easterly on the center line of Delavan avenue extended and the center line of Delavan avenue to the intersection of the center lines of Delavan avenue and Main street; thence northeasterly along the center line of Main street to the intersection of the center lines of Main street and Scajawuada creek, the place of beginning.

TWENTIETH WARD.

Beginning at the intersection of the center lines of Main street and Delavan avenue; thence southwestwardly along the center line of Main street to the intersection of the center lines of Main

street and Ferry street; thence westerly along the center line of Ferry street to the intersection of the center lines of Ferry street and Hampshire street; thence southwesterly along the center line of Hampshire street to the intersection of the center lines of Hampshire street and Albany street; thence westerly on the center line of Albany street and the center line of Albany street extended to the westerly boundary of the state of New York; thence northerly along the westerly boundary of the state of New York to a point on the center line of Delavan avenue extended; thence easterly on the center line of Delavan avenue extended, and the center line of Delavan avenue to the intersection of the center lines of Delavan avenue and Main street, the place of beginning.

TWENTY-FIRST WARD.

Beginning at the intersection of the center lines of Main street and Ferry street; thence southerly along the center line of Main street to the intersection of the center lines of Main street and North street; thence westerly along the center line of North street to the intersection of the center line of Richmond avenue; thence northerly along the center line of Richmond avenue to the intersection of the center lines of Richmond avenue and Connecticut street; thence southwesterly along the center line of Connecticut street to the intersection of the center lines of Connecticut street and Fifteenth street; thence northwesterly along the center line of Fifteenth street to the intersection of the center lines of Fifteenth street and Hampshire street; thence northeasterly along the center line of Hampshire street to the intersection of the center lines of Hampshire street and Ferry street; thence easterly along the center line of Ferry street to the intersection of the center lines of Main street and Ferry street, the place of beginning.

TWENTY-SECOND WARD.

Beginning at the intersection of the center lines of Connecticut street and Richmond avenue; thence southerly along the center line of Richmond avenue to the intersection of the center lines of Richmond avenue and York street; thence southwesterly along the center lines of York street and Porter avenue to a point in the westerly boundary of the state of New York on the center line of Porter avenue extended; thence northerly along the westerly boundary of the state of New York to a point on the center

line of Albany street extended; thence easterly on the center line of Albany street extended, and the center line of Albany street to the intersection of the center lines of Albany street and Hampshire street; thence northeasterly along the center line of Hampshire street to the intersection of the center lines of Hampshire street and Fifteenth street; thence southeasterly along the center line of Fifteenth street to the intersection of the center lines of Fifteenth street and Connecticut street; thence northeasterly along the center line of Connecticut street to the intersection of the center lines of Connecticut street and Richmond avenue, the place of beginning.

TWENTY-THIRD WARD.

Beginning at the intersection of the center lines of Main street and North street; thence southerly along the center line of Main street to the intersection of the center lines of Main street and Tupper street; thence westerly and northwesterly along the center lines of Tupper street, Twelfth street, Maryland street, Cottage street and Plymouth avenue to the intersection of the center lines of Plymouth avenue and York street; thence northeasterly along the center line of York street to the intersection of the center lines of York street and Richmond avenue; thence southerly along the center line of Richmond avenue to the intersection of the center line of North street; thence easterly along the center line of North street to the intersection of the center lines of Main street and North street, the place of beginning.

TWENTY-FOURTH WARD.

Beginning at the intersection of the center lines of Main street and Tupper street; thence southerly along the center line of Main street to the intersection of the center lines of Main street and Niagara street; thence northwesterly along the center lines of Niagara street, Mohawk street, Wilkeson street and Seventh street to the intersection of the center lines of Seventh street and Porter avenue; thence northeasterly along the center lines of Porter avenue and York street to the intersection of the center lines of York street and Plymouth avenue; thence easterly and southeasterly along the center lines of Plymouth avenue, Cottage street, Maryland street, Twelfth street, and Tupper street to the intersection of the center lines of Main street and Tupper street, the place of beginning.

TWENTY-FIFTH WARD.

Beginning at the intersection of the center lines of Main street and Niagara street; thence southerly along the center line of Main street to the center line of Buffalo river; thence along the center line of Buffalo river to Lake Erie, to a point in the westerly boundary of the state of New York opposite the mouth of Buffalo river; thence northwesterly along the westerly boundary of the state of New York to a point on the center line of Porter avenue extended; thence northeasterly on the center line of Porter avenue extended and the center line of Porter avenue to the intersection of the center lines of Porter avenue and Seventh street; thence southeasterly along the center lines of Seventh street, Wilkeson street, Mohawk street, and Niagara street to the intersection of the center lines of Main street and Niagara street, the place of beginning.) The common council shall on or before June fifteenth, nineteen hundred and seven, by ordinance divide the city into thirteen wards as nearly equal in number of inhabitants, excluding aliens, as may be, of convenient and contiguous territory in as compact form as practicable. No block in the city enclosed by streets or public ways shall be divided in the formation of a ward, nor shall any ward contain a greater excess in population over an adjoining ward than the population of a block therein adjoining such ward. Such ordinance shall be subject to the veto power of the mayor, in the manner provided in section eighteen, chapter one hundred and five of the laws of eighteen hundred and ninety-one. Such division shall be subject to review by the supreme court at the suit of any citizen, and such suit shall have precedence over all other causes and proceedings. All taxes levied and assessments made for local, city, county and state purposes in the year nineteen hundred and seven, including the annual assessment rolls for the year nineteen hundred and eight, wherever the same may be designated by wards, shall be levied, made and designated by the wards as they are now constituted and numbered.

§ 2. Section four of chapter one hundred and five of the laws of eighteen hundred and ninety-one is hereby amended so as to read as follows:

§ 4. The legislative power of the city shall be vested in a common council (which shall consist of a board of councilmen and a board of aldermen) composed of twenty-five aldermen and a president of said council, elected as hereinafter provided. The common council shall be a continuous body, notwithstanding

any change in the membership thereof. The common council as now constituted shall be vested with the legislative power of the city until the first day of January, nineteen hundred and eight. Nothing contained in this act shall be construed to abridge the term of office of the present councilmen and aldermen.

§ 3. Section six, of chapter one hundred and five of the laws of eighteen hundred and ninety-one, as amended by chapter eight hundred and five of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

§ 6. (The board of councilmen shall consist of nine members, who shall be elected by the electors of the city. Councilmen hereafter elected shall hold office for four years, except as hereinafter provided. Three councilmen shall be elected at the municipal election held in the year eighteen hundred and ninety-five. Six councilmen shall be elected at the municipal election in the year eighteen hundred and ninety-seven, and they shall meet before the end of that year, at a time and place designated by the mayor, and determine by lot two of their number to hold office for two years, and shall certify in writing to the city clerk their determination. The term of office of the councilmen elected in the year eighteen hundred and ninety-seven and so certified shall be two years, and of the others shall be four years. At the annual election held in each odd-numbered year thereafter there shall be elected alternately five and four councilmen, respectively, for the term of four years.) The councilmen elected at the general election in the year nineteen hundred and five shall serve as aldermen in the common council created by this act until the expiration of their term of office. The qualified electors of the city shall elect eight aldermen at the general election in the year nineteen hundred and seven, of whom the six receiving the highest number of votes shall serve four years and the other two shall serve two years. The successors of such councilmen and aldermen shall be elected by the qualified voters of the city for a term of four years. The qualified voters of each ward, as the wards shall be constituted under the ordinance enacted pursuant to section one of this act, shall elect an alderman at the general election in the year nineteen hundred and seven, and each two years thereafter.

§ 4. Section seven, of chapter one hundred and five of the laws of eighteen hundred and ninety-one, as amended by chapter eight hundred and five of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

§ 7. (The board of aldermen shall consist of twenty-five members, one elected by the electors of each ward. They shall hold office for the term of two years, except as provided in section three hundred and sixty-nine of this act as amended. At the municipal election held in each odd-numbered year an alderman shall be elected in each ward, except in the year eighteen hundred and ninety-five when aldermen shall be elected only in the wards in which aldermen were not elected at the general election held in the year eighteen hundred and ninety-four. Aldermen shall be residents of the wards in which they are elected, respectively; and removal from such wards shall make the office vacant.) The qualified electors of the city shall at the general election in the year nineteen hundred and seven elect a president of the common council for a term of two years beginning January first nineteen hundred and eight. His successor shall be elected in the same manner for a term of four years. He shall preside at the meetings of the common council and shall appoint all its committees, but he shall have no vote therein, except in case of a tie vote of said council, and he shall exercise such other powers as are conferred upon him by this act. The common council may in the absence of the president appoint a temporary presiding officer.

§ 5. Section nine of chapter one hundred and five of the laws of eighteen hundred and ninety-one, is hereby amended so as to read as follows:

§ 9. (Each board composing the common council shall fix the time for its stated meetings, and may adjourn from time to time. The mayor, or if he be absent from the city or unable to act, the city clerk, on the written request of four aldermen and two councilmen, may call special meetings of the common council, and they may call special meetings of either board. Each board may provide by rule for additional modes of calling its special meetings. Notice of special meetings of the common council shall be given by delivering personally to each alderman and councilman, or leaving at his residence, at least six hours before such meeting, a written notice thereof, signed by the person calling the same. Notice of special meetings of either board shall be given in the same manner, but to the members only of the board which is to meet. The common council shall hold a stated meeting on the first Monday of January in each year and at least once a month thereafter, and may provide by ordinance for additional stated meetings and for special meet-

ings, except those hereinafter provided. Special meetings of the common council may be called by the mayor, or by the president of the common council whenever in the judgment of either of them the public interests demand it. Such special meetings when called by the mayor or by the president of the common council shall be upon written notice signed by him delivered personally to each alderman, or delivered at his place of residence at least six hours before the meeting. The sittings of the council shall be public and shall be held in the usual meeting place. The common council shall keep a journal of its proceedings and publish the same in the official paper.

§ 6. Section ten of chapter one hundred and five of the laws of eighteen hundred and ninety-one is hereby amended so as to read as follows:

§ 10. (Each board) The common council shall be the judge of the qualifications of its members, and shall determine the rules of its own proceedings, except as in this act provided; but all votes (in the board of councilmen where there is a dissenting vote and all votes) where more than a majority is required (in the board of aldermen) shall be taken by ayes and naves, which shall be entered on the journal. (Each board) The common council shall keep a journal of its proceedings, and publish the same (except that such parts of the proceedings of the board of councilmen as merely affirms or concurs in the proceedings of the board of aldermen need not be published). The sittings of (each board) the common council shall be public. (Each board may appoint a sergeant-at-arms and such door-keepers and messengers as it may find necessary.) A majority of all its members elected shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as its rules may provide.

§ 7. Section three hundred and sixty-five of the laws of eighteen hundred and ninety-one, as amended by chapter eight hundred and five of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

§ 365. The electors of each ward, as the wards shall be constituted by ordinance pursuant to section one of this act, shall elect one supervisor and one constable whose term of office shall be two years. The electors of the city at the general election in the year nineteen hundred and seven, and each two years

thereafter, shall elect twelve supervisors, whose term of office shall be two years. (The term of office of the supervisor and constable shall be two years.) Constables shall have the same powers as constables of towns, except in criminal cases. Nothing herein shall be construed to abridge the term of office of any supervisor or constable now serving as such.

§ 8. Section five of chapter one hundred and five of the laws of eighteen hundred and ninety-one and section eight of chapter one hundred and five of the laws of nineteen hundred and ninety-one, as amended by chapter three hundred and forty-five of the laws of eighteen hundred and ninety-three shall be repealed from and after January first, nineteen hundred and eight. Sections five and six of this act shall not take effect until January first, nineteen hundred and eight.

§ 9. All power and authority vested in the common council as now constituted shall on and after January first, nineteen hundred and eight, devolve upon and be vested in the common council provided for by this act, and all proceedings, matters and things pending on the thirty-first day of December, nineteen hundred and seven, before the common council as at present constituted, may be carried on and completed in all respects by the common council provided for by this act, and wherever the term "common council" is used in said chapter one hundred and five of the laws of eighteen hundred and ninety-one, and in the acts amendatory thereof and supplementary thereto, it shall be deemed to refer on and after January first, nineteen hundred and eight to the common council created by this act.

§ 10. Except as otherwise prescribed in this act, this act shall take effect immediately.

(No. 23.)

AN ACT in furtherance of the commission heretofore created to confer with the governor and legislature of the state of New Jersey for the purpose of developing a system of transit between the city of New York and the state of New Jersey, extending its powers and making an appropriation therefor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioners heretofore appointed pursuant to the provisions of chapter two hundred and sixty of the laws

of nineteen hundred and six, together with the bridge commissioner of the city of New York and an additional member to be appointed by the mayor of the city of New York, shall confer with the governor and the legislature of the state of New Jersey or the duly designated representatives thereof, for the purpose of fully investigating the project of the construction of one or more bridges over, or one or more tunnels or tubes under the Hudson river from the city of New York to the state of New Jersey at the joint expense of the two states, and shall report to the legislature thereupon including proposed legislation in furtherance thereof. Said commissioners shall receive no compensation for their services, but shall be entitled to their actual necessary traveling and other expenses, and they shall report to the legislature on or before February first, nineteen hundred and eight.

§ 2. The sum of five thousand dollars, or so much thereof as may be needed, is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of paying the expenses of said commissioners, payable by the treasurer on the warrant of the comptroller, on itemized vouchers certified by the chairman of the commission.

§ 3. This act shall take effect immediately.

(No. 24.)

AN ACT to provide for the collection and enforcement of state and county taxes in the city of Troy, and for the sale of lands for unpaid state and county taxes in the county of Rensselaer and to legalize and confirm the acts of the county treasurer of Rensselaer county and of other officials of said county in regard to the collection and enforcement of state and county taxes in the county of Rensselaer.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All taxes which are levied and imposed pursuant to law, upon the real and personal property liable to taxation in the city of Troy, for state and county purposes shall be payable at the office of the county treasurer of the county of Rensselaer in the city of Troy, and said county treasurer shall be the receiver and collector of all such taxes.

§ 2. The board of supervisors of Rensselaer county shall, on or before the fifteenth day of December in each year, issue their warrant for the collection of such state and county taxes, to the county treasurer of the county of Rensselaer. Said warrant shall be attached to the assessment-rolls for the several wards of the said city of Troy having such state and county taxes properly extended thereon.

§ 3. Upon receipt of such warrant and assessment-rolls the county treasurer shall have all the powers and be charged with all the duties of town collectors of state and county taxes under the general laws of the state. In addition to the notices required by such laws to be posted, said county treasurer shall immediately after the receipt by him of said warrant publish a notice in the official newspapers of the city of Troy, three times a week for three weeks, that he will attend at his office to receive the taxes which he is commanded by said warrant to collect. Such publication shall be deemed a demand upon each and every person named in said rolls for the payment of the taxes assessed against him, and shall be deemed a compliance with the provisions of the statute requiring every collector to call at least once upon the person taxed or at the place of his residence, and demand payment of the taxes charged to him on his property.

§ 4. It shall be the duty of the county treasurer to receive the amount of the taxes levied in said assessment-roll, if said tax is paid on or before the fifteenth day of January succeeding the levying of said tax; and to charge and receive upon all such taxes paid to him after the fifteenth day of January and on or before the thirty-first day of January succeeding the levying of said tax, one per centum additional on the amount of said tax; and to charge and receive upon all such taxes paid after the thirty-first day of January and on or before the fifteenth day of February succeeding the levying of said tax, three per centum additional upon said tax; and to charge and receive upon all such taxes paid to him after the fifteenth day of February and on or before the first day of March succeeding the levying of said tax, five per centum additional upon the amount of said tax.

§ 5. The county treasurer shall make and file a return in his office of all the said state and county taxes in the city of Troy remaining unpaid on the first day of March succeeding the levying of said tax; and the collection of such unpaid taxes and of all the unpaid taxes returned by the other collectors of state and county taxes in said county, shall be enforced as provided

by the general tax law of this state, except that upon such unpaid taxes as shall be charged upon nonresident real estate, the county treasurer shall charge and collect interest at the rate of twelve per cent. per annum to be computed from the first day of February succeeding the levying of such tax, and when any such tax and interest charged on nonresident real estate in said county shall remain unpaid for the period of one year after the first day of February succeeding the levying of said tax, the county treasurer shall proceed to advertise such real estate for sale as herein provided.

§ 6. The said county treasurer shall, immediately after the expiration of the aforesaid one year, publish once a week for six weeks, in the newspapers designated by the board of supervisors of said county to publish the session laws, and also in not to exceed three weekly newspapers which shall be designated for that purpose by said board of supervisors immediately after the passage of this act and annually thereafter at the November session of said board (such designation to be for one year and until a new designation is made), the list and notice provided for by section one hundred and fifty-one of the general tax law of the state. One of said weekly newspapers to be so designated must be published in the city of Troy; one in the city of Rensselaer, and the other in the village of Hoosick Falls, in said county, and the list of lands to be sold shall be published in full in the two newspapers designated to publish the session laws, but said list shall be divided among said three weekly newspapers and shall be published as follows: In the newspaper published at Hoosick Falls, the county treasurer shall publish only the list of lands to be sold which are assessed in the towns of Hoosick, Petersburg, Berlin, Grafton, Schaghticoke and Pittstown; in the newspaper published at Rensselaer, the county treasurer shall publish only the list of lands to be sold which are assessed in the city of Rensselaer and in the towns of North Greenbush, East Greenbush, Sandlake, Schodack, Nassau, Stephentown and Poestenkill; in the weekly newspaper published in Troy, the county treasurer shall publish only the list of lands to be sold which are assessed in the city of Troy and in the town of Brunswick. The county treasurer shall also publish in the newspapers designated as herein provided the notice of redemption provided for by section one hundred and thirty of the general tax law; such publication shall be made in the same manner as herein

provided for the publication of notice of sale of lands for unpaid taxes.

§ 7. The expense of publishing the notice of sale and redemption authorized herein shall be audited and paid in the first instance by the board of supervisors of Rensselaer county and shall be added by the county treasurer to the amount of unpaid tax and percentages legally chargeable against the real estate advertised to be sold or redeemed, each parcel of real estate being charged with such proportion of the expense for advertising as the amount of the tax charged against said parcel bears to the whole amount of tax unpaid upon all the parcels advertised, and such expense shall be collected by the county treasurer from the person purchasing or redeeming, upon issuing the certificate of sale or upon the conveyance or redemption of the parcel sold.

§ 8. The sale so advertised to be held by said county treasurer shall be kept open after the advertised day of sale, and in case any parcel of real estate advertised for sale shall not be sold on the advertised day of sale, or shall be purchased by said treasurer for the county of Rensselaer, said county treasurer may, at any time thereafter, upon the application of any person, sell any such parcel for the amount of unpaid tax, interest, and expenses legally chargeable thereon, and may issue to the purchaser a certificate of such sale in the same form and with the same force and effect as if such parcel had been sold on the day advertised for the sale thereof, or had not been purchased by said treasurer for said county of Rensselaer.

§ 9. The county treasurer may appoint an additional clerk in his office as heretofore provided for in section twelve of chapter six hundred and fifty-three of the laws of eighteen hundred and ninety-two, at a compensation to be fixed by him, not exceeding twelve hundred dollars per annum, payable monthly, and which shall be charged to and paid by the city of Troy, and shall be raised in and as a part of the county tax annually imposed upon the property in said city.

§ 10. All the acts done, proceedings taken, notices given, sales made, and conveyances executed by the county treasurer of Rensselaer county and all the acts and proceedings of the board of supervisors or other officers of said county in relation to the assessment, collection and enforcement of state and county taxes levied and imposed upon real and personal property in the county of Rensselaer since the year eighteen hundred and sixty are hereby declared to be lawful and valid and are hereby confirmed

and legalized, notwithstanding any omissions, irregularities or defects in any of said acts, proceedings, notices, sales or conveyances, and notwithstanding any failure or omission of said county treasurer or of the supervisors or other officials of said county of Rensselaer to comply in any respect with the provisions of the general tax law or other general or special laws of the state relating thereto.

§ 11. This act shall not affect any action or proceeding now pending, and shall not affect any action begun or proceeding taken within two years from the date of the passage of this act, for the purpose of setting aside or canceling any sale or conveyance of real estate made by the county treasurer of Rensselaer county, upon the ground that such sale or conveyance is void because of any omission, irregularity, or defect in the proceedings of said county treasurer or of the board of supervisors or other officials of said county, in relation to the assessment, collection or enforcement of the tax for the nonpayment of which such sale or conveyance was made.

§ 12. Except in the particulars provided for in this act, all the proceedings for the assessment, collection and enforcement of state and county taxes in the city of Troy and in the county of Rensselaer shall be governed by the general tax law of the state and the charter of the cities of the second class, so far as such laws are applicable thereto.

§ 13. All other acts or parts of acts inconsistent with the provisions of this act are hereby repealed, so far as they affect the city of Troy or the county of Rensselaer.

§ 14. This act shall take effect immediately.

(No. 25.)

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," in relation to the police pension fund of the city of Buffalo.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and eleven of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," as-

amended by chapter one hundred and thirty-seven of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 211. All rewards or gifts that may be paid or given to any member of the police force of the city of Buffalo, for his services, except when the board of police shall allow him to retain the same, and all moneys arising from the sale of [unclaimed] goods [remaining for the space of one year] in the hands of the clerk of the board unclaimed, and all moneys realized from the sale of condemned, unfit or unserviceable property, belonging to, or in the possession of, or under the control of the board of police, when the same does not exceed the sum of two hundred and fifty dollars for any one article; and all fines imposed by the said board upon members of the police force, and all fees received and fines imposed under the two preceding sections, and all moneys, pay, compensation or salary, or any part thereof, forfeited, deducted or withheld from any member or members of the police force, for or on account of [absence for any cause,] any misconduct or violation of duty, lost or sick time, sickness or disability, physical or mental, [shall be paid monthly by the board, and three per centum of all fees for licenses for the sale of liquors, wines, ale and beer,] and five per centum of all excise taxes upon trafficking in liquors which may be collected within the city of Buffalo, under the liquor tax law; and five per centum of all fines and penalties which may be imposed and collected for any violation of the [excise] said law [.] within the said city; [shall be paid weekly by the board of excise, all of which sum shall be deposited with the treasurer of the city, and be by him invested or deposited when, from time to time, directed by the board, as a fund to be called the "police pension fund"] and two per centum per month to be deducted from the pay of each member of the police force of the city of Buffalo; together with all interest which may be collected by the investment of said funds, as well as all moneys, property or security held by the trustees of the police pension fund of the city of Buffalo; or to which said trustees are entitled, and all other additions thereto; shall constitute and be the police pension fund of the city of Buffalo. The treasurer of the city of Buffalo shall be the custodian and treasurer of [such] the said fund [.] and shall hold, invest and disburse the same in accordance with law and the directions of the board of trustees of the police pension fund. It shall be the duty

of each and every person into whose possession or under whose control any moneys shall come, by this section declared to constitute a part of the police pension fund, to pay and deliver over said moneys to the treasurer of the city of Buffalo, to the credit of said fund, within ten days after receiving the same. A violation of this requirement shall constitute a misdemeanor. The members of the board of police commissioners, the police surgeon, the [and] treasurer of the city, and two members of the police force, both to be elected in the manner hereinafter provided, shall be the trustees of the police pension fund of the city, and shall have [the] power to grant pensions as [herein] hereinafter provided, to be paid from the police pension fund by the treasurer, upon the order or warrant of [the] said board of trustees of the police pension fund. Immediately upon this act taking effect the present trustees of the police life insurance fund shall deliver the fund, including all investments belonging to the same to the treasurer of the city, for the uses and purposes of the police pension fund hereby created as hereinafter declared. The treasurer shall make all necessary contracts and take all necessary proceedings in relation to the fund, in his name, as treasurer of the police pension fund [of the city]. A majority of the board of trustees shall constitute a quorum for the transaction of business. But no pension shall be granted nor shall any payment from said fund be made except it shall be first authorized by the affirmative vote of a majority of the board of trustees in office. Pensions shall be granted by the board of trustees of the police pension fund in the following cases:

§ 2. Subdivision one of such section, as amended by chapter one hundred and thirty-seven of the laws of eighteen hundred and ninety-five and chapter three hundred and ninety-five of the laws of nineteen hundred and four, is hereby amended to read as follows:

I. To the widow of any member of the police force who shall have been killed while in the actual performance of police duty, or who shall have died from the effects of an injury received, while in the actual discharge of such duty, an annual pension [the sum] of three hundred dollars per year so long as [she] such widow shall remain[s] unmarried. And if there be no such widow of such deceased member, then such annual pension shall be paid to his child or children him surviving, if any, so long only as such child or children, or the youngest of such

children shall continue under the age of eighteen years. In the event of the death or marriage of the widow of such deceased member; who at the time of his death or marriage [is] was drawing a pension as provided in this act, then such annual pension shall be paid to the child or children of such deceased member of the police [department] force, if any, so long only as such child or children, or the youngest of such children shall continue under the age of eighteen years. No pension shall be paid under this [title] act to any child over eighteen years of age. And if there be no such widow, child or children of such deceased member, then such pension shall be paid to his parent or parents, provided such parent or parents were dependent upon such deceased member for support, and for such time only as such pension shall be necessary for the support of the parent or parents.

§ 3. Subdivision two of such section is hereby repealed.

§ 4. Subdivision three of such section, as amended by chapter one hundred and thirty-seven of the laws of eighteen hundred and ninety-five, and chapter seven hundred and two of the laws of eighteen hundred and ninety-nine, and chapter five hundred and fifty-one of the laws of nineteen hundred and two and chapter three hundred and ninety-five of the laws of nineteen hundred and four and chapter one hundred and eighty-one of the laws of nineteen hundred and five, is hereby renumbered to be subdivision two therefor and amended to read as follows:

[3] 2. [To any member of the force who, by long service and exposure while in the actual service of the department, shall have contracted any disease or disability, which incapacitates him permanently from performing full police duty, without fault or misconduct on his part, upon his retiring from the service or being dismissed on account of such disease or disability, the sum of three hundred dollars per year, if he has served as such member for ten years; and for each year he shall have served as such member in excess of ten years the amount of pension to which he is entitled under the provisions of this act shall be increased each year by the sum of twenty dollars until the total amount shall reach the sum of six hundred dollars. Pensions provided for in the second and third subdivisions above shall not be granted except upon the sworn certificate of the surgeon of the police, and upon the unanimous resolution to the effect of the members of the board of trustees of the police pension fund. Upon the resignation of any member of the police force who shall

have served as such for a period of thirty-five years or upwards, where at the time of such resignation such member is not incapacitated from full police duty by reason of disease or disability, the board of trustees of the police pension fund may, in its discretion, grant to such member a pension not exceeding one-half of the annual salary received by such member at the time of his resignation from the police force, and a pension may be granted under this provision without the sworn certificate of the surgeon of police, as hereinbefore provided. The police matrons shall be granted the privileges of this fund, so far as it relates to their children.¶ To any member of the police force, who, while in the service of the department, shall have contracted any disease or disability, or shall have been injured so as to totally and permanently incapacitate him, physically or mentally, from the performance of full police duty, and without fault or misconduct on his part, provided the applicant has been examined by the surgeon of police and his sworn certificate filed, showing him to be permanently disqualified, a pension shall be granted and paid to such person so retired equal to one-half the annual compensation allowed him as a salary at the time of his retirement. Provided, however, that the application for a pension having been denied by the surgeon of police, such applicant, or any member of the trustees of the police pension fund, may appeal to the trustees of the police pension fund, and such trustees shall thereupon appoint two reputable physicians who, together with the surgeon of police, shall examine such applicant, and their sworn certificate, or a majority of them, shall be conclusive evidence concerning the alleged disability on which the right of a pension shall depend. Police matrons who shall become mentally or physically incapacitated and unfit for services, by injury or disease, while in the actual performance of their official duty, shall be granted an annual pension of not less than one-half of their rate of compensation per year, as a majority of the board of trustees of the police pension fund in office may determine. Upon the resignation of any member of the police force, who shall have served as such for a period of thirty years or upwards, where, at the time of such resignation such member is not incapacitated from full police duty by reason of disease or disability, or shall have reached the age of sixty years, the trustees of the police pension fund shall grant to such member a pension equal to one-half the compensation allowed as a salary at the time of his retirement from the

service. Police matrons who have served twenty-five years may, at any time thereafter, retire and upon retiring shall be entitled to an annual pension of an amount equal to one-half of their regular annual compensation. When the right of a member of the police force to claim and receive a pension shall have accrued, it shall not be lost or affected by any subsequent occurrence. Anything in this act contained shall in no manner affect or impair the rights of any person to whom a pension is now being paid from the police pension fund of the city of Buffalo, to continue the same. Nothing herein contained shall affect the claim of any annuitant to whom an annuity has heretofore been allowed [from] by the [police] life insurance fund, but such annuity shall be paid by the treasurer out of the police pension fund, so long as the board shall [so] direct, the same as if the claim thereto had arisen subsequent to the time when this act shall take effect. And the board of trustees of the police pension fund may, in their discretion, and by a majority vote and in accordance with the provisions of this act, grant pensions to widows of deceased members, and to annuitants under the police life insurance fund, where death or retirement has occurred prior to the passage of this act, and has been caused by disability acquired in the service of the department. In computing the time of service of any member of the police force for the purpose of this section, the term of service of such member on any regular police or volunteer or paid fire department force of the city or upon the park police force of the city as formerly constituted, shall be computed and taken the same as service on the police force of the city, and it shall not be deemed necessary for the purposes of this section, that such service shall have been continuous. [In computing the time of service of hostlers or prison van drivers for the purposes of this section, the term of service which they shall have served as employees of the police department previously to being made members of the police force shall be computed and allowed the same as service rendered on the police force of the city. All officers who are retired under the provisions of this act and who are drawing pay from the said pension fund may, when able to act, perform duty in case of emergency, and may be accepted to perform temporary duty by the commissioners when satisfied that they are able to serve. While so serving on temporary duty they shall be entitled to receive compensation not exceeding three dollars per day, in the discretion of and to be fixed by the board, for

every day or part of a day that they shall so serve, in addition to their pension, which shall not be in any manner affected by such temporary service. All pensions provided for herein shall be payable monthly and shall be exempt from attachment and execution.] The repeal of any law by this act shall not revive a law repealed thereby, but such repeal shall not impair any act done or right accruing, accrued or acquired prior to the time this act takes effect in and by virtue of any law so repealed, and the same may be asserted, enforced or prosecuted as fully and to the same extent as if such law had not been repealed.

§ 5. In place of subdivision three which has been renumbered subdivision two of such section there shall be a new subdivision, to be subdivision three thereof to read as follows:

3. Where the words "police force" or "force" are used in this act it is intended to include a superintendent of police; three inspectors of police; a surgeon of police; a clerk of the board; a chief operator and assistant chief operator; and such number of captains, sergeants, desk sergeants and patrolmen as the common council shall authorize, and patrol wagon drivers, not less than three for each patrol wagon district to be established by the board; a superintendent of horses; all prison van drivers now in the employ of the police department, and such others as shall hereinafter be appointed by the board of police; and the police matrons; the assistant clerk to the board; and the stenographer to the board. The police pension fund may be invested by the board of trustees, but only in such securities as savings banks or trust companies are authorized to invest their funds in by the banking laws of the state of New York.

§ 6. After subdivision three thereof, there shall be a new subdivision to be subdivision four, to read as follows:

4. The fiscal year of the police pension fund shall commence on the first day of July of each year and end on the thirtieth day of June of the next year. Within ten days after the passage of this act, the superintendent of police shall appoint from the members of the police force three inspectors of election who shall open the polls of an election at police headquarters at eight o'clock in the morning and receive all votes for three inspectors and two trustees of the police pension fund which may be lawfully cast by the members of the police force. The polls shall be closed at eight o'clock in the evening and the said inspectors shall then canvass the said votes and make and swear to a

certificate giving the names of the candidates voted for at said election for said offices and declaring who of the candidates shall have been elected, which certificate shall be filed in the office of the city clerk. On the first Monday in June each year after the year nineteen hundred and seven, the three inspectors of election who shall have been chosen at the last preceding election shall preside at an election at police headquarters of three inspectors of election to act at the first next election, and of two trustees of the police pension fund to act for the ensuing year. At each such election every member of the police force shall be entitled to cast one ballot containing the names of three candidates for inspectors of election and two trustees of the police pension fund. A record shall be kept showing the names of all persons voting. Any vacancy in the office of inspectors of election may be filled by the inspectors or inspector in office. A vacancy in the office of trustee of the police pension fund shall be filled by a special election called for that purpose by the inspectors of election within ten days after such vacancy shall have occurred. No pension paid under the provisions of the foregoing sections shall exceed the sum of one thousand dollars. All pensions provided for herein shall be payable monthly, and shall be exempt from attachment and execution.

§ 7. This act shall take effect immediately.

(No. 26.)

AN ACT to amend the code of civil procedure, in relation to the distribution of personal property, and to repeal subdivision three of section twenty-seven hundred and thirty-two.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions two, six, seven and eight of section twenty-seven hundred and thirty-two of the code of civil procedure, are hereby amended to read, respectively, as follows:

2. If there be no children, nor any lineal descendants [legal representatives] of them, then [one-half of] the whole surplus shall be allotted to the widow, [and the other half distributed

to the next kin of the deceased, entitled under the provisions of this section].

6. If the deceased leave no children and no representatives of them, and no father, and leave a [widow and a] mother, [the half not distributed to the widow shall be distributed in equal shares to his mother and brothers and sisters, or the representatives of such brothers and sisters; and] if there be no widow, the whole surplus shall be distributed in [like manner] equal shares to the mother, and to the brothers and sisters, or the representatives of such brothers and sisters.

7. If the deceased leave a father and no child or descendant, the father shall take [one-half if there be a widow, and] the whole, if there be no widow.

8. If the deceased leave a mother, and no child, descendant, father, brother, sister, or representative of a brother or sister, the mother, [if there be a widow,] shall take [one half; and] the whole, if there be no widow.

§ 2. Subdivision three of such section is hereby repealed.

§ 3. This act shall take effect September first, nineteen hundred and seven.

(No. 27.)

AN ACT to amend section eight hundred and fifty-nine of the Greater New York charter, relative to wharfage rates on harbor lighters and other vessels at the port of New York.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight hundred and fifty-nine, of the Greater New York charter as re-enacted by chapter four hundred and fifty-six, of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 859. It shall be lawful to charge and receive, within the city of New York, wharfage and dockage at the following rates, namely: From every vessel that [uses or] makes fast to any pier, wharf, or bulkhead within said city [or makes fast to any vessel lying at such pier, wharf, or bulkhead, or to any vessel lying outside of such vessel] for every day or part of a day except

as hereinafter provided, as follows: From every vessel of two hundred tons burden and under, two cents per ton; and for every vessel over two hundred tons burden, two cents per ton for each of the first two-hundred tons burden, and one-half of one cent per ton for every additional ton, except that, [save as hereinafter provided,] vessels known as North River barges, and all harbor lighters or barges, canal boats, market boats and market barges, sloops employed upon the rivers and waters of this state, and schooners exclusively employed upon the rivers and waters of this state shall pay for every such vessel [under the burden of fifty tons,] at the rate of fifty cents per day [for every such vessel of the burden of fifty tons, and under the burden of one hundred tons, at the rate of sixty-two and one-half cents per day; for every such vessel of the burden of one hundred tons, and under the burden of one hundred and fifty tons, at the rate of seventy-five cents per day; for every such vessel of the burden of one hundred and fifty tons, and under the burden of two hundred tons, at the rate of eighty-seven and a half cents per day; and for every such vessel of the burden of two hundred tons, and under the burden of two hundred and fifty tons, at the rate of one hundred cents per day; for every such vessel of the burden of two hundred and fifty tons, and under the burden of three hundred tons, at the rate of one hundred and twelve and a half cents per day; for every such vessel of the burden of three hundred tons and under the burden of three hundred and fifty tons, at the rate of one hundred and twenty-five cents per day; for every such vessel of the burden of three hundred and fifty tons, and under the burden of four hundred tons, at the rate of one hundred and thirty-seven and a half cents per day; for every such vessel of the burden of four hundred tons and under the burden of four hundred and fifty tons, at the rate of one hundred and fifty cents per day; for every such vessel of the burden of four hundred and fifty tons and under the burden of five hundred tons, at the rate of one hundred and sixty-two and a half cents per day; for every such vessel of the burden of five hundred tons, and under the burden of five hundred and fifty tons, at the rate of one hundred and seventy-five cents per day; for every such vessel of the burden of five hundred and fifty tons, and under the burden of six hundred tons, at the rate of one hundred

and eighty-seven and a half cents per day; for every such vessel of the burden of six hundred tons and upwards, to pay twelve and a half cents, in addition for every fifty tons, in addition to the rate last mentioned,] for every day or part of a day, such ship or vessel shall [use or] be made fast to any of the said wharves; [but no boat or vessel over fifty tons burden shall pay less than fifty cents for a day or a part of a day and the class of sailing vessels now known as lighters shall be at one-half the first above rates.] Every [other] vessel making fast to a [vessel at any] pier, wharf, or bulkhead within said city, [or to another vessel outside of such vessel, or at anchor within any slip or basin,] when not receiving or discharging cargo or ballast, head, slip or basin, without first paying the wharfage or dockage due thereon, after being demanded of the owner, consignee, or person in charge of the vessel, shall be liable to pay double the rates established by this section.

§ 2. This act shall take effect immediately.

(No. 28.)

AN Act to amend chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to liens, constituting chapter forty-nine of the general laws," in relation to liens of hotel, inn, boarding and lodging house keepers, as amended by chapter three hundred and eighty of the laws of eighteen hundred and ninety-nine, and chapter two hundred and six of the laws of nineteen hundred and five.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-one of chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to liens, constituting chapter forty-nine of the general laws," as amended by chapter three hundred and eighty of the laws of eighteen hundred and ninety-nine and chapter two hundred and six of the laws of nineteen hundred and five is hereby amended to read as follows:

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§ 71. Liens of hotel, apartment hotel, inn, boarding and lodging house keepers.—A keeper of a hotel, apartment hotel, inn, boarding house or lodging house, except an emigrant lodging house, has a lien upon, while in possession, and may detain the baggage and other property brought upon their premises by a guest, boarder or lodger, for the proper charges due from him, on account of his accomodation, board and lodging, and such extras as are furnished at his request. If the keeper of such hotel, apartment hotel, inn, boarding or lodging house knew that the property brought upon his premises was not, when brought, legally in possession of such guest, boarder or lodger, or had notice that such property was not then the property of such guest, boarder or lodger; or, if the property on which said lien is claimed shall be a piano, organ, typewriter, book, article of furniture, or sewing machine, and the guest, boarder or lodger, who brought the said property, on said premises shall be in possession thereof only as a conditional vendee, or as a lessee or borrower, and at the time of the conditional sale, or of the leasing or borrowing thereof, the contract of sale or of leasing or borrowing was executed in duplicate and one of the duplicate copies was given to such vendee, or lessee or borrower, a lien thereon does not exist. But the keeper of such hotel, apartment hotel, inn, boarding or lodging house, may make any payments and do, or perform any acts on behalf of such guest, boarder or lodger, which may be necessary to perfect any rights of such guest, boarder or lodger, in and to such chattels, and thereupon the lien provided in this section shall extend to and cover such chattels as fully in all respects as if they had belonged to such guest, boarder or lodger when first brought on such premises, and shall further include all payments which shall have been made as above provided.

An apartment hotel within the meaning of this section includes a hotel wherein apartments are rented for fixed periods of time, either furnished or unfurnished to the occupants of which the keeper of such hotel supplies food, if required. A guest of an apartment hotel within the meaning of this section, includes each and every person who is a member of the family of the tenant of an apartment therein, and for whose support such tenant is legally liable.

§ 2. This act shall take effect immediately.

(No. 29.)

AN ACT to amend chapter three hundred and eight of the laws of nineteen hundred and three, entitled "An act to regulate the junk business, and to require a person engaging in such business to procure a license," by increasing the amount of such license in certain counties.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter three hundred and eight of the laws of nineteen hundred and three, entitled "An act to regulate the junk business, and to require a person engaging in such business to procure a license," is hereby amended to read as follows:

§ 1. On and after July first, nineteen hundred and three, it shall be unlawful for any person, association, co-partnership or corporation to engage or continue in the business of buying or selling old metal, which business is herein designated junk business, and which person, association, co-partnership or corporation is herein designated junk dealer, unless such junk dealer shall have complied with the provisions of this act and obtained a license so to do from the mayor of the city, if the principal place of business of such junk dealer is in a city, or the president of the village, if such place of business is in an incorporated village, otherwise from the supervisor of the town in which such place of business is located; for which license shall be paid such mayor, president or supervisor for the use of such city, village or town, the sum of five dollars, except that in the counties of Erie and Niagara the sum of one hundred and fifty dollars shall be paid to such mayor, president or supervisor for such license, for the use of such city, village or town, which [license] licenses shall expire on June thirtieth of each year.

§ 2. Section five of such act, as amended by chapter five hundred and twenty-eight of the laws of nineteen hundred and six, is hereby amend to read as follows:

§ 5. Each violation of this act, either by the junk dealer, the agent or servant thereof, and each false statement made in or on any statment or tag above mentioned shall be a misdemeanor, and the person convicted shall, in addition to other penalties imposed, forfeit his license to do business. But nothing herein contained shall apply to cities of the first class.

§ 3. This act shall take effect immediately.

(No. 30.)

AN ACT to amend the primary election law, generally.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section three of chapter one hundred and seventy-nine of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to enrollment for political parties, primary elections, conventions, and political committees," as amended by chapter four hundred and seventy-three of the laws of eighteen hundred and ninety-nine, chapter two hundred and twenty-five of the laws of nineteen hundred, chapter one hundred and eleven of the laws of nineteen hundred and three and chapter six hundred and seventy-four of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 3. Enrollment.—Subdivision one. The custodian of primary records shall cause to be prepared on or before the fifteenth day of September in each year, original enrollment books to the number of two for each election district. Such enrollment books shall be so arranged that the names of all electors of the election district may be inscribed therein alphabetically. Except in cities of the second class and cities containing a population of one million or over, such enrollment books shall be so arranged and printed that there shall be fourteen columns on each page; the first for the enrollment number of the electors; the second for the surnames of the electors; the third for the christian names of the electors; the fourth for their residence addresses; the fifth for the word "yes;" the sixth for the name of the party, if any, with which the elector shall enroll; the seventh for an entry to show a special enrollment; the eighth for the record of transfer or removal from one election district to another; the ninth for the word "voted" in case the elector votes at the first official primary election of the year; the tenth for a record as to challenges in case he is challenged thereat; the eleventh and twelfth columns for similar entries in case he votes at the second official primary election; and the thirteenth and fourteenth columns for similar entries in case there be a third official primary election or unofficial primary elections. The enrollment books prepared for election districts within a city of the second class [or a city containing a population of one million or over] shall be so arranged and printed that there shall be twelve columns on each page; the first for the enrollment number of the electors; the second for the surnames of

the electors; third, for the christian names of the electors; the fourth for their residence addresses; the fifth for the word "yes;" the sixth for the name of the party, if any, with which the elector shall enroll; the seventh for the word "voted" in case the elector votes at the first official primary election of the year; the eighth for a record as to challenges in case he is challenged thereat; the ninth and tenth columns for similar entries in case he votes at the second official primary election, and the eleventh and twelfth columns for similar entries in case there be a third official primary election or unofficial primary elections. For election districts within a city containing a population of one million or over the registration books used for the purpose of registering the voters of such election districts shall be so arranged and printed that in addition to the columns prescribed for said registration books in section thirty-two of the election law there shall be to the left of the columns therein described six additional columns as follows: The first column for the number on the ballot voted, in case the elector votes at the second official primary election of the year; the second for a record as to challenges in case he is challenged thereat; above these two columns shall be printed the words "second official primary;" the third and fourth columns for similar entries in case he votes at the first official primary election; above the third and fourth columns shall be printed the words "first official primary." The fifth column for the name of the party, if any, with which the elector shall enroll. The sixth column for the enrollment numbers of electors. Above these six columns shall be printed the words "enrollment and primary section." Said books shall be delivered by the custodian of primary records to the election inspectors of the respective election districts immediately before the first day of registration in each year. The custodian of primary records shall cause at least two voting booths of the same kind and description as voting booths used at general elections, to be erected in each place of registration, before the first day of registration in each year; and such booths shall be and remain in said places of registration during the registration at the four regular meetings for registration during that year; and it shall be the duty of the custodian of primary records to furnish in each voting booth so erected the same articles which are required by law to be placed therein, for a general election, which articles shall remain therein during such registration. He shall also provide in like manner one ballot box in each place of registration of sufficient capacity to hold all

the enrollment blanks and envelopes which are to be furnished for such place of registration, and which shall be of the kind prescribed by law to be used at a general election. There shall also be prepared and distributed by the custodian of primary records in the manner and at public expense as provided in the election law, for the furnishing of official ballots, such a number of enrollment blanks and envelopes for each election district to the primary elections of which this act is applicable, as will exceed by two hundred the total number of electors registered in such district at the last preceding general election. The enrollment blanks shall be printed on white paper, and on the face thereof shall be printed the following, or the substance thereof, the blanks to be filled in type so far as possible:

Primary enrollment for year.....

City (or village) of; county of;
 assembly district (or ward);
 election district.

..... enrollment number

I, who have placed a mark underneath the party emblem hereunder of my choice, do solemnly declare that I have this day registered as a voter for the next ensuing election, and that I am a qualified voter of the election district in which I have so registered, and that my residence address is as stated by me at the time I so registered; that I am in general sympathy with the principles of the party which I have designated by my mark hereunder; that it is my intention to support generally at the next general election, state or national, the nominees of such party for state or national offices; and that I have not enrolled with or participated in any primary election or convention of any other party since the first day of last year. The word "party" as used herein means a political organization which at the last preceding election of a governor polled at least ten thousand votes for governor.

..... Party
 (Insert emblem)



..... Party
 (Insert emblem)



Make a cross (X) mark, with a pencil having black lead, in the circle under the emblem of the party with which you wish to enroll, for the purpose of participating in its primary elections during the next year.

The circles underneath the emblems shall be one inch in diameter and in them nothing shall be printed. The party emblems shall be the same which were on the ballots for each party respectively at the last preceding general election, and such emblems shall be so arranged on each blank that the emblem of the majority party at the last preceding general election of a governor shall be first, and the other emblems shall follow in order in accordance with the vote cast for such office at such election; over each emblem shall be printed, in type clearly legible, the name of the party represented by such emblem. The enrollment blanks shall have thereon only the emblems of those parties to which this act is applicable and shall be distributed enclosed within the enrollment envelopes having corresponding enrollment numbers. The enrollment envelopes shall be of such size as to permit enclosure therein, without folding, of the enrollment blank, and of such weight and texture of paper as to make it impossible to read or decipher the printed matter on the blank when the same is sealed on the inside thereof. Nothing shall be printed or written upon the enrollment envelopes except the following words or the substance thereof, blanks to be filled in type as far as possible.

Primary enrollment for year.....

City (or village) of county of.....;
..... assembly district (or ward);.....
election district.

Enrollment number

Name of elector

§ 2. Subdivision two of section three of such chapter as amended by chapter four hundred and seventy-three of the laws of eighteen hundred and ninety-nine, and chapter two hundred and twenty-five of the laws of nineteen hundred, is hereby amended to read as follows:

Subd. 2. When, in any city or village to which this act is applicable, an elector shall, at any of the four regular meetings for registration in any year, present himself to the board of election inspectors in any election district, his name and residence address shall be entered at the proper place in the two original enrollment books for that district. After he shall have been registered as a

qualified elector of that election district for the next ensuing general election, the board of election inspectors, or a member thereof, shall forthwith, and before such elector leaves the place of registration, enter his registration number, beginning with number one for the first elector registered on the first day, and so on in numerical order, opposite his name, in the first column of the registration books and the enrollment books, and shall deliver to such elector the enrollment envelope and blank having the number which shall be opposite his name on the registration books. No elector shall be given more than two sets of enrollment blanks and envelopes, or more than one set unless he shall spoil, deface, improperly mark, or otherwise destroy the first set given him. In case a second set is given him the member of the board of election inspectors in charge of the enrollment books shall draw a line through such elector's enrollment number in the first column in said books, and of the registration books, and shall insert in such space in said columns the number which shall be upon the new set to be given him, which number shall always be the highest number of the enrollment blanks and envelopes then unused in such booth. Such elector desiring to enroll shall then enter a voting booth in said place of registration, and, after having closed the door thereof, may make a cross (X) mark with a pencil having black lead in the circle underneath the emblem of the party of his selection and thereupon enclose said enrollment blank in said envelope and seal the same, and, before leaving the place of registration, shall deliver the same to a member of the board of election inspectors who shall endorse thereon the name of such elector and thereupon return said envelope to said elector, who shall forthwith deposit the same in the ballot box in said place of registration in the presence of the inspectors of election, without in any way indicating the party with which he has or has not enrolled, and the inspectors shall thereupon enter in the enrollment books in the fifth column thereof the word "yes." If an elector declines to enroll, he may return the blank and envelope to the inspector in charge of the ballot box, and such inspector shall seal said envelope with the blank therein, endorse the name of such elector thereon and deposit the same in the ballot box; and a like entry shall be made opposite his name in the fifth column of the enrollment books. The entries in the enrollment books required by this section shall be made by a member of the board designated by the chairman. One mark crossing another mark at any angle

within the circle shall be deemed a cross mark within the meaning of this act. Before any elector shall be registered in any year, the said ballot box shall be examined by the board of election inspectors and when empty shall be locked and sealed by them in such a manner that should it be opened such seal would be broken; and the same shall remain so locked and sealed until the same shall be opened by the custodian of primary records after the next ensuing general election as hereinafter provided. Said ballot boxes shall be in the charge and keeping of the custodian of primary records at all times except during the hours of registration as prescribed by law. At the close of the last meeting for registration in each year the board of election inspectors shall severally subscribe and verify duplicate declarations, one of which shall be printed in or attached to each of the original enrollment books. Such declarations shall be to the effect that the persons shown by such enrollment books are the only persons who registered as electors in that district on any of said days of registration. Immediately upon the close of each day of registration, and before leaving the meeting place, the board of election inspectors shall publicly enclose the said enrollment books, together with all records pertaining thereto, in a sealed envelope, upon which shall be written or printed in distinct characters the number of the election district. Such envelope shall remain in the custody of the chairman of the board until the meeting on the next day of registration, when it shall be publicly opened. The envelope sealed at the close of the last day of registration shall, within twenty-four hours thereafter, be delivered to the custodian of primary records. Such envelope shall remain sealed until the next Tuesday following the next ensuing day of general election. No member of the board of election inspectors shall make, or allow to be made, a copy of, or a transcript or statement from, the enrollment books. No person shall, on any of such days of registration or in the interval between any such day and the next ensuing day of general election, reveal or disclose the names or number of the enrolled electors, or make, publish or circulate a list of such names, or of any thereof, or do or permit any act by which the name of any elector who may or may not have enrolled or the number of electors enrolled or not enrolled, shall be disclosed. The provisions of subdivision two of this section shall apply in all cases except in cities containing a population of one million or more, in which cities the only enrollment entries to be made in the

registration books shall be the enrollment number in the sixth column under the section of the registration book headed "enrollment and primary section."

§ 3. Subdivision seven of section three of such chapter as amended by chapter four hundred and seventy-three of the laws of eighteen hundred and ninety-nine, chapter one hundred and eleven of the laws of nineteen hundred and three, and chapter six hundred and seventy-four of the laws of nineteen hundred and five, is hereby amended to read as follows:

Subd. 7. The custodian of primary records shall annually provide a duplicate set of enrollment books for each party to which this act shall then be applicable, but in cities containing a population of one million or over the custodian of primary records shall annually provide a duplicate set of so much only of the registration books as will give the names, addresses and political affiliation of each voter and shall in the month of **[December]** February of each year, deliver one set of such books to the chairman of the proper general committee of each such party. Such duplicate books shall conform in all respects to the form of the original enrollment books, and all entries in such original enrollment books, completed to **[December]** February fifteenth when such books are prepared for election districts outside of a city of the second class or a city containing a population of one million or over, shall be transferred thereto. The custodian of primary records shall, whenever requested so to do by the chairman of the proper general committee of any party to which this act is applicable and upon the delivery to him of that party's duplicate enrollment book for any election district, of a city or village other than a city of the second class or a city containing a population of one million or over make such additions thereto and changes therein as may be necessary to cause the same to conform to the original enrollment books of that election district completed to the fifteenth day of the month during which such request is made, and shall, as promptly as possible, return the same to such chairman or his duly authorized representative, accompanied by a certificate that each such duplicate book is a correct copy of the original, as of such date. The custodian of primary records within a city of the second class or a city containing a population of one million or over, shall certify to such chairman that each such duplicate book is a correct copy of the original enrollment book made during the four days of registration of electors for the preceding

general election. At all unofficial primary elections of a party, the certified duplicate enrollment books completed, in the case of election districts outside of a city of the second class, or a city containing a population of one million or over, to the first day of the month preceding the month in which the primary election is held shall be used, and no elector shall be allowed to take part in such primary election as a resident of an election district, unless his name is upon the duplicate enrollment book for that district, showing that he is enrolled with the party in whose primary election he seeks to participate.

§ 4. Subdivisions one and two of section seven of such chapter, as amended by chapter four hundred and seventy-three of the laws of eighteen hundred and ninety-nine, are hereby amended to read as follows:

§ 7. Voting at official primary elections.—Subdivision 1. When, at any official primary election, an elector shall present himself to the board of primary inspectors, and declare his desire to vote, he shall announce name, residence and party, and if he shall be found to be duly enrolled as a member of such party [in that primary district,] and residing in the election district, within that primary district, in which he enrolled, the board of primary inspectors, or a member thereof, shall deliver to him unfolded one of each of the ballots of his party intended for the electors of the election district in which he resides, which are in the polling place. Thereupon, and before voting, the elector shall retire into one of the booths of the polling place. Immediately upon leaving such booth he shall be permitted to vote by delivering to one of the inspectors any ballot which conforms, in external appearance, to the provisions of this act, folded in such a way that none of the printed or written matter on the inside thereof shall be visible. The inspector to whom such ballot is so delivered shall, at once and in the presence of the elector, deposit it in the proper ballot box. When an elector shall have offered his ballot, and it shall be in the ballot box, he shall deliver all of the unvoted ballots which were delivered to him, each of them so folded as to conceal the inside thereof, to such inspector, and such officer shall, forthwith, and without opening the same or revealing the contents thereof, deposit such ballots in the box for unvoted ballots. Such unvoted ballots shall, on completion of the canvass, be removed from such box, and without being examined be destroyed. No person shall cast more than one ballot. No ballot which shall have any printing, writing or

mark on the outside thereof, shall be received. No ballot shall be in any way marked for identification. At all primary elections, all ballot-boxes to be used thereat shall be opened and examined by the board of primary inspectors in the presence of the watchers, if any, before any ballots are received; and when empty shall be closed and sealed, and not be opened again until the close of the polls at such primary election. The procedure shall, as far as possible, except as changed by the provisions of this act, be the same as that provided for the reception and deposit of ballots on the day of general election. When the elector shall have cast his ballot, that fact shall be recorded by the board of primary inspectors by the entry of the word "voted," opposite his name in the proper column of the original enrollment books provided therefor. Nothing contained in this subdivision shall be construed as giving an enrolled voter residing in a city containing a population of one million or more the right to vote at a primary election unless he has continuously resided within the limits of the election district in which he registered from the time of such registration until such primary election.

Subd. 2. The right of an enrolled elector to participate in any official primary election shall be subject to challenge at any time before his ballot is deposited in the ballot box. When any enrolled elector shall be challenged, the chairman, or one of the members of said board, shall forthwith put to him an oath or affirmation to answer truly such questions as shall be put to him, and he shall be allowed to vote if, and only if, he shall make such oath or affirmation, and shall answer in the affirmative each of the following questions:

Are you (using the name which he has given as his name)?

Do you reside, and have you, for thirty days last past, resided at (giving the address which he has given as his residence)?

This subdivision shall not apply to cities containing a population of one million or over. In such cities the provisions of subdivisions one, two and three of section one hundred and eight of the election law shall apply at primary elections.

§ 5. Such chapter is hereby amended by adding thereto after section twelve a new section to be section twelve-a thereof, to read as follows:

§ 12-a. Official ballot in cities containing a population of one million or over.— Subdivision 1. In cities containing a population of one million or over all tickets nominated by the enrolled voters of any party in any political subdivision to which this act is applicable, shall be printed on one ballot, to be known as the “ official ballot ” of such political party.

Subd. 2. At least three months before each official primary day the chairman of the general committee of each party subject to the provisions of this act in such cities shall certify and deliver to the custodian of primary records a statement of the conventions, committees and offices for which delegates, members or candidates, as the case may be, are to be elected thereat, and the number of delegates to conventions, and members of committees, to be elected in each unit of representation.

Subd. 3. Posting statement of positions to be filled.— At least two and one-half months before each official primary election the custodian of primary records shall prepare, certify and post upon a bulletin to be kept for that purpose in the office of the custodian of primary records, a statement of the positions to be filled at the ensuing primary by each political party, including membership in committees and such statements shall remain posted until the last day for filing of nomination petitions.

Subd. 4. Nomination petitions.— It shall be the duty of the custodian of primary records, at least two and one-half months before each official primary election, to prepare and provide blank nomination petitions for use in the different political subdivisions, stating the place where and the day and hour prior to which nomination petitions must be filed. Such blank nomination petitions shall contain blank space for the **name or title of the ticket as** provided by subdivision fourteen of this section, the titles of the offices or positions to be filled, blank spaces for inserting the name and street number of the residence of each person nominated, blank spaces for the insertion of the names of a committee to fill vacancies caused by death, withdrawal or disqualification, and for the signatures of the persons certifying to or signing such nomination petitions. There shall be two forms of nomination petitions, each one of which shall be so prepared that candidates for one or more of the positions to be filled may be nominated on the same petition. One of these shall be known as the form by which the assembly district or organization ticket may be nominated and the other as the form for the use of

Such nomination petition and each separate paper thereof if there be more than one such paper shall contain the following declaration which shall be subscribed to by the signers thereof. We the undersigned duly qualified enrolled party voters of the district for which the nominations for the offices and positions to be filled are hereby made under the provisions of section twelve-a of the primary election law do hereby declare that it is our intention to support at the polls at the primary election the candidacy of the person or persons herein nominated. Such blank nomination petitions shall be delivered by the custodian of primary records to any enrolled member of the political party which has adopted such rules upon the request of such enrolled voter.

Subd. 5. Number of signatures.—Such papers to entitle them to be filed shall contain the signatures of enrolled party voters as follows:

For a nomination petition filed by an assembly district committee the certification of such nomination petition by the chairman and secretary of the said assembly district committee only shall be required.

For nomination petitions filed by other groups of nominators, when the office or position to be voted for is wholly within an election district, at least five signatures of enrolled voters of the political party for which nominations are being made residing in such election district, who have a legal right to vote at the next succeeding primary election. For an office or position to be voted for wholly within a unit of representation greater than an election district at least fifty signatures of enrolled voters of the political party for which nominations are being made residing within that unit of representation who have a legal right to vote at the next succeeding primary election. For offices or positions to be voted for within a unit of representation not larger than an assembly district which shall include offices or positions to be voted for both within an election district and a greater unit of representation, and at least one hundred signatures of enrolled voters of the political party for which nominations are being made residing within such unit of representation, who have a right to vote at the next succeeding primary election. When such unit of representation includes less than ten election districts the number of signatures required for a nomination petition shall be equal to five times the number of election districts within such unit of representation. Nomination petitions placing candi-

dates in nomination shall not contain a larger number of names of candidates than there are persons to be elected. They may contain a less number. No name shall be considered as a signature to more than one nomination petition for the same office or position, but in case of a duplication in signatures, the petition first filed shall be deemed to have been signed by the person signing more than one petition for said office. The signature of any member of the assembly district committee who was present at the meeting of the assembly district committee when the assembly district committee ticket was nominated and voted in the affirmative on the roll call, shall not count on any nomination petition requiring signatures of enrolled voters. Each nomination petition must be complete in itself.

Subd. 6. Filing.—In order to entitle the assembly district committee ticket to have its candidates on the primary ballot hereinafter provided for, the nomination petition of the assembly district committee must be filed with the custodian of primary records, on or before five o'clock in the afternoon of the eighteenth day prior to the date of the primary election in order to entitle another ticket or tickets to a place on the primary ballot hereinafter provided for, the nomination petitions therefor must be filed with the custodian of primary records, on or before five o'clock in the afternoon of the fifteenth day prior to primary day.

Subd. 7. Nomination petitions open for public inspection.—Nomination petitions shall be open for public inspection in the office of the custodian of primary records between the hours of nine in the morning and four in the afternoon every day between the date of filing and primary day, Sundays and holidays excepted. The custodian of primary records shall also keep a book wherein shall be entered in the order they are received the names of all the candidates for various offices whose petitions have been filed, which book shall also be open for public inspection. The custodian of primary records shall immediately on receiving a petition for filing, endorse thereon the date and time of receiving the same.

Subd. 8. Withdrawals.—A nominee on any ticket may withdraw provided he notifies the custodian of primary records in writing not later than five o'clock in the afternoon of the second day after the last day fixed for filing the petition upon which appears the name of the person so withdrawing.

Subd. 9. Filling vacancies in nominations, and correction of certificates.—If a nomination is duly declined, or a candidate

regularly nominated dies before primary election day, or is found to be disqualified to hold the office or position for which he is nominated, or if any nomination petition is found to be defective but not wholly void, the committee appointed on the face of such nomination petition, to fill vacancies as provided for by subdivision four of this section, may make a new nomination to fill the vacancy so created, or may supply such defect, as the case may be, by making and filing with the proper officer a certificate setting forth the cause of the vacancy or the nature of the defect, the name of the new candidate, the title of the office or position for which he is nominated, the name of the original candidate, the name of the political committee or other group of nominators which was inscribed on the original nomination petition and such further information as is required to be given by an original nomination petition. The certificate so made shall be subscribed and acknowledged by a majority of the members of the committee to fill vacancies, and the members of the committee subscribing the same shall make oath before the officer or officers before whom they shall severally acknowledge the execution of the said certificate that the matters therein stated are true to the best of their information and belief. The said certificate shall be filed in the office in which the original nomination petition was filed, at least ten days before the primary election, and upon being so filed shall have the same force and effect as an original nomination petition,

Subd. 10. Making substitutions for vacancies caused by death after ballots have been printed.—In case of the death of a candidate after the official ballots have been printed, and before primary election day, the vacancy may be filled by filing the proper nomination petition of a candidate to fill such vacancy, with the officer or board with whom the original nomination petition was filed, and it then shall be the duty of the custodian of primary records to prepare and furnish to the inspectors of election in the election districts affected adhesive pasters containing the name of the candidate nominated to fill the vacancy, and the title of the office for which he was nominated. The pasters shall be of the same color and quality of paper, printed in plain black ink and in the same kind of type used in printing the titles of the offices and the names of the candidates upon the official ballots, and shall be of a size as large and no larger than the space occupied upon the official ballot by the title of the office and the name of the candidate in whose place the candidate named upon the

paster has been nominated. If the candidate be one of a group of candidates, such official paster shall contain the name of the candidate, but not the title of the office. Whenever such pasters are provided, the officer or board furnishing them shall certify to the primary inspectors of election in the election districts affected by the vacancy, the name of the original candidate, the name of the new nominee, the title of the office for which the nomination is made, and the name of the political committee or other group of nominators making the nomination, and shall state the number of pasters furnished, which numbers shall be equal to the number of official ballots furnished for such district. Upon the delivery of said pasters, the primary inspectors of election shall sign a receipt for the same, which receipt shall be retained by the custodian of primary records furnishing the pasters, and shall be part of the record of his office. The primary inspectors shall deliver the pasters to the primary inspector having charge of the ballots, who is required to affix one of such pasters in the proper place and in a proper manner upon each official ballot before said ballot shall be delivered to a voter. When so affixed to the official ballot, the posters shall be considered as being part of the official ballot. The use of any paster upon the official ballot otherwise than as herein provided is hereby declared a felony, punishable by imprisonment in a state prison for not less than one year or more than five years.

Subd. 11. Filing fee.—Persons filing nomination petition shall pay to the custodian of primary records the following fees:

For a petition containing nominations to be voted for within an election district only, five dollars. For a petition containing nominations to be voted for within a unit of representation greater than an election district, a sum equal to three dollars for each election district within such unit of representation, which fees shall be paid into the public treasury by the custodian of primary records. The payment of the fee and the amount must in all cases be endorsed upon the nomination petitions by the custodian of primary records at the time of filing.

Subd. 12. Contests.—Any question arising with reference to the construction, validity, or legality of any such nomination petitions offered for filing or any other question relating thereto, shall be determined in the first instance by the custodian of primary records, with whom such nomination petitions are offered for filing. If he declines to receive and file the same, he shall im-

mediately state his reasons for such action in writing, and append such writing to the nomination petition rejected, and shall return the same to the persons offering it for filing. The custodian of primary records shall receive the written protest of any enrolled party voter against the filing of such petition, provided such protest is filed not later than forty-eight hours after the last day for filing nomination petitions. Should a written protest be filed, the custodian of primary records shall give a public hearing thereon within not more than three days after the filing of such protest, with not less than forty-eight hours' notice by mail to the candidate or candidates sought to be placed upon the primary ballot and to the person or persons making the protest, and he shall render his decision upon the protest in writing within twenty-four hours after the closing of the hearing. The supreme court or any justice within the judicial district shall have summary jurisdiction upon the complaint of any enrolled voter of the party using the "official ballot" to review the determination and acts of the custodian of primary records and to make such order in the premises as justice may require. Such complaint shall be heard upon such notice to such officer as the said court or justice or judge thereof may order.

Subd. 13. Posting.—The custodian of primary records shall at least six days before the annual primary election day in each year cause to be posted upon a bulletin board, to be kept for that purpose in his office, a list of all nominations, petitions for which have been duly filed. The nominations of each political party for each district shall be posted separately.

Subd. 14. Title of tickets.—At the top of the first ticket printed on the ballot and below the circle shall be the words "district committee ticket." At the top of every other section, if any, shall be the name or title of the group or groups of nominators filing said nomination petitions, in not exceeding five words. The group or groups of nominators filing these petitions must state in their petitions at the time of filing the name or title which is to be used upon the ballot in describing their ticket.

Subd. 15. Ballots.—The custodian of primary records shall provide and have printed the ballots to be used at each primary election. The color of the ballot shall be designated by the custodian of primary records and the printing shall be easily legible. The paper shall be of such weight and texture as to make it impossible to read or decipher the printed matter on the

inside of the ballot when it shall be folded. On the face of the ballot there shall be printed in distinct type, in black ink, in the following order, the designation by its number of the assembly district wherein the election may be held; the designation by its number of the election district wherein the ballot is to be voted; the words, "official ballot for the primary election of the (name of party)." Also the date by day, month and year of the holding of the primary. Underneath this shall be printed a heavy black line below which shall be printed the tickets, nomination petitions for which have been properly filed with the custodian of primary records and entitled to be printed. Said ballots shall be printed in sections so that in the first section shall appear the names of the persons nominated by the assembly district committee; in the second section shall appear the names of persons nominated by those nominators filing the first petition; each additional section shall contain the names of persons nominated by other groups of nominators, if any, in the order of filing. Each section shall be separated from every other section by a heavy black line, at least an eighth of an inch in width. At the top of each section there shall be a circle and at the left of the names of each candidate there shall be two lines crossing the other said lines at right angles and at such distance from each other that the intersection with the other said lines shall form substantially a square space at the left of each name of a person to be voted for. Whenever there are two or more candidates to be nominated or elected to the same office or position, in addition to the voting spaces to the left of the names of persons to be voted for and immediately to the left of the designation or title of each such office or position wherever it appears, there shall also be a circle. The ballot shall be printed on the same leaf with a stub, and separated therefrom by a perforated line. Upon the face of the part above the perforated line, designated as the stub, which shall extend the entire width of the ballot, and shall be of sufficient depth to allow the instructions to be printed thereon, shall be printed the following:

"This ballot may be voted in one of three ways with a pencil having black lead. To vote the straight ticket make a cross (X) mark in the circle at the top of the ticket you desire to vote. To vote for a group of candidates for the same office make a cross (X) mark in the circle to the left of their designation or title. To vote for each individual candidate make a cross (X) mark

in the voting place to the left of the name of the candidate to be voted for. Any other mark than the cross (X) mark used for the purpose of voting, or any erasure made on this ballot makes it void and no vote can be counted thereon. If you tear or deface or wrongly mark this ballot, return it, and obtain another." On the back of the ballot below the stub and immediately at the left of the centre of the ballot, shall be printed the words, "official ballot for" and after the word "for" shall follow the designation of the number of the election district for which the ballot is prepared, the date of the primary election and a fac-simile of the signature of the custodian of primary records. On the back of the stub and immediately above the centre of the endorsement upon the back of the ballot shall be printed the consecutive number of the ballot, beginning with number one and increasing in regular numerical order.

Subd. 16. Number of ballots to be printed and how delivered.—The custodian of primary records shall have printed ballots for each election district in number one and one-half times, as near as may be, the number of votes cast in such election district for the candidate for governor of the political party using said "official ballot" et cetera, at the last preceding gubernatorial election, prepared as herein described, which shall be delivered by the custodian of primary records to the proper primary inspectors at the various polling places at least one-half hour before the time fixed for the opening of the polls.

Subd. 17. Special meeting of the assembly district committee to nominate a "district committee ticket."—In order to nominate a district committee or organization ticket in an assembly district, the assembly district committee in such assembly district must hold a meeting for the special purpose of nominating a ticket to be known as the "district committee ticket." Such meeting shall be called on at least four days' notice, unless otherwise provided for by a rule of the assembly district committee, which notice must be in writing or printed. Notices for such meeting must state the object thereof, including a designation of the different cities and positions to be filled and the number of delegates or members allotted to such office or position. The vote on a resolution placing a ticket in nomination on demand of any member shall be by roll call, which roll call, including the names of those voting and a record of how they voted must be made a part of the minutes of the meeting. Any organi-

zation, person or persons, making use of the words or title "regular organization" in connection with a political party, organization or ticket, which is not in conformity with this subdivision may be prohibited from using such title by a proper application to the court or courts.

Subd. 18. Primary inspectors.—In primary districts where official ballots are to be voted the primary inspectors in each primary district, as provided in section five of this act, shall meet at the polling places therein at least one-half hour before the time set for opening the polls and shall proceed to place the guard-rail so that it shall be at least six feet in front of the ballot boxes and voting booths and to arrange the space within the guard-rail, and the furniture, thereof, including the voting booths for the orderly and legal conduct of the primary. Before otherwise entering upon their duties, the primary inspectors of each primary district shall then immediately appoint one of their number chairman, or if a majority shall not agree upon such appointment, they shall draw lots for that position. The primary inspectors shall then and there have the ballot boxes required by law for the reception of ballots to be voted thereat, the box for the reception of the ballots found to be defective in printing, or mutilated, before delivery to, and ballots spoiled and returned by electors, the sealed packages of official ballots and instruction cards and distance markers, return sheets and other stationery required to be delivered to them for such primary election and the enrollment books. The primary inspectors shall thereupon open the sealed packages of instruction cards and cause them to be placed conspicuously, at least one, and if printed in different languages, at least one of each language, in each of the voting booths of such polling place, and at least three of each language in which they are printed in and about the polling place; shall open the sealed packages of official ballots and place them in charge of one of their number selected for that purpose and shall cause to be placed at a distance of one hundred feet from the polling place the visible markers to prohibit "loitering and electioneering," within such distance. They shall also before any ballots are cast see that the voting booths are supplied with pencils having black lead only, unlock the ballot boxes, see that they are empty, allow the watchers present to examine them, and shall lock them up again while empty in such a manner that the watchers present and persons just outside the guard-rail can see that such boxes are empty when they are relocked. After

such boxes are relocked they shall not be unlocked or opened until the closing of the polls of such election, and except as authorized by law, no ballots or other matter shall be placed in them after they are so relocked, and before the announcement of the result of such canvass and the signing of the original statement of canvass and the two certified copies thereof. The instruction cards and distance markers posted as provided by law, shall not be taken down, torn or defaced during such primary election. The primary inspectors with such boxes and enrollment books, shall be stationed as near each other as practicable within such enclosed space. One of the primary inspectors shall then make proclamation that the polls of the primary are opened, and of the time o'clock in the evening when the polls will be closed. From the time of the opening of the polls until the announcement of the result of the canvass of the votes cast thereat, and the signing of the official returns or statements of such canvass and the copies thereof, the boxes and all official ballots shall be kept within the guard-rail. No person shall be admitted within the guard-rail during such period, except primary inspectors, duly authorized watchers, persons admitted by the primary inspectors to preserve order or enforce the law, persons duly admitted for the purpose of voting; provided, however, that candidates, voted for at such polling place may be present at the canvass of the votes. In all proceedings of the primary inspectors or canvassers, they shall act as a board, and in case of a question arising, as to matters which may call for a determination by them, a majority of such board shall decide.

Subd. 19. Voting.—The polls at every primary held pursuant to this section shall be open at two o'clock in the afternoon and close at nine o'clock in the evening. There shall be no adjournment or intermission until the polls are closed. The closing of the polls shall be deemed to mean the close of the delivery of official ballots to enrolled voters, and the enrolled voters entitled to vote who have lawfully begun the act of voting before the time fixed for the close of the polls, shall be allowed to complete the act. While the polls are opened the enrolled voters residing within the election district in which they resided at the last preceding enrollment shall be entitled to vote and shall enter within the guard-rail at the polling place, for the purpose of voting, in such order that there shall not at any time be within such guard-rail more than twice as many enrolled voters as there are voting booths thereat, in addition to the persons lawfully within such guard-

rail for other purposes than voting. The enrolled voters shall enter within the guard-rail through the entrance provided, and shall forthwith proceed to the primary inspector and give his name, his residence by street and number, or if it has no street or number, a brief description of the locality thereof. One of the primary inspectors having charge of the ballots shall thereupon announce the name and residence of the enrolled voter in a loud and distinct tone of voice.. The other primary inspectors shall ascertain and announce whether or not the person offering to vote is properly enrolled. No person shall be allowed to vote in any election district at any primary unless his name shall be upon the enrollment books of such election district. The right of any person to vote whose name is on such enrollment book shall be subject to challenge. If such enrolled voter is entitled to vote thereat, and is not challenged, or if challenged and the challenge be decided in his favor, one of the primary inspectors shall then deliver to him one official ballot, folded by such primary inspector in a proper manner for voting, which is by bringing the bottom of the ballot up to the perforated line, and second by folding both sides to the center and in such a manner that when folded the face of each ballot will be concealed, and the printed number on the stub and the endorsement on the back of the ballot shall be visible, so the stub can be removed without removing any other part of the ballot, and without exposing any part of the face of the ballot, below the stub and so that when folded the ballot shall not be more than four inches wide. No person other than a primary inspector shall deliver to any enrolled voter within the guard-rail any ballot and he shall deliver only such ballots as the enrolled voter is legally entitled to vote. The provisions of subdivision two of section one hundred and four of the election law, relative to giving assistance to any voter who shall, at the time of registration, have made oath of physical disability or illiteracy, as prescribed by subdivision three of section thirty-four of the election law, shall apply in voting at a primary election in the same manner, as far as may be as to the general election. On receiving his ballot the enrolled voter shall forthwith and without leaving the enclosed place, retire alone, unless he be one entitled to assistance in the preparation of his ballot, to one of the voting booths, and without undue delay unfold and mark his ballot as hereinafter prescribed. No enrolled voter shall be allowed to occupy a booth already occupied by another, or to occupy a booth more than five minutes, in case all the booths are in use and en-

rolled voters waiting to occupy the same. It shall not be lawful to make any marks upon the official ballot other than the cross (X) mark made for the purpose of voting, with a pencil having black lead. A person may be challenged either when he applies for the official ballot or when he offers to an inspector the ballot he intends to vote, or previously by notice to that effect to a primary inspector by any enrolled voter of the party holding the primary. It shall be the duty of each primary inspector to challenge every person offering to vote whom he shall know or suspect not to be duly qualified as an enrolled voter. When an enrolled voter shall be challenged the chairman or one of the members of the board of primary inspectors shall forthwith put to him an oath or affirmation to answer truly such questions as shall be put to him. The procedure in case of a challenge at a primary election shall be the same as that at a general election, as provided for by subdivisions one, two and three of section one hundred and eight of chapter nine hundred and nine of the general laws of eighteen hundred and ninety-six as amended and known as the election law. The chairman of the board of primary inspectors shall receive the ballots from enrolled voters. As each person votes the primary inspectors shall check his name upon the registration enrollment book by entering therein in the column provided therefor, opposite the name of such enrolled voter, the consecutive number upon the stub of the ballot voted by him. The primary inspector shall forthwith upon detaching the stub from the ballot deposit the same in the box provided for detached stubs.

Subd. 20. Canvassing the vote.—As soon as the polls of a primary are closed the primary inspectors thereat shall publicly canvass and ascertain the votes, as provided in subdivision one of section eight, of this act. In case any question to the intent of the voter should arise at the canvassing of the vote, the provisions of subdivision two of section one hundred and ten of the election law shall apply. Immediately upon the completion of such canvass, the board of primary inspectors in each election district shall make public oral proclamation of result thereof, and shall make a written statement of such result for such election district, and also a duplicate thereof which shall be known as the duplicate statement. The said board shall file the original thereof with the custodian of primary records before four o'clock post meridian, on the day following the primary, and shall file the duplicate statement with the county clerk of the county wherein the

primary is held. At all reasonable times any watcher or any candidate shall have reasonable opportunity to make a transcript of such statement, or any portion thereof. In the case of a primary election at which persons are elected to any convention or committees from any election districts as a unit of representation, the board of primary inspectors shall promptly after canvassing the vote deliver to each of the persons who receive the largest number of votes as members of such committee, or to the respective persons authorized in writing by them to receive the same a certificate stating the total number of votes cast for the respective candidates, and the number thereof received by such persons respectively. Such certificates shall be the evidence of the election of such persons and shall entitle them, and each of them, to be placed upon the roll of, and admitted to such convention or committee. After the close of the canvass of the votes at primary elections, the ballots cast thereat, except those rejected as void, shall be replaced in the ballot boxes from which they were respectively taken, and such ballot boxes shall then be securely locked and sealed, and shall be returned to the officer from whom they were received, who shall safely keep the same; subject however, to be produced and opened, and the ballots therein recanvassed, upon the order of any court of record, or judge thereof, for not less than thirty days after such primary election, and until all suits or proceedings before any court or judge touching the same shall have been finally determined, when the ballots shall be removed without examination and destroyed. The custodian of primary records shall not be required to retain on file the enrollment books and other papers required to be filed with him by the board of primary inspectors for a period of more than three years unless otherwise directed by the district attorney of the county or a judge or justice of a court of record.

Subd. 21. General provisions.—(a) No watcher at a primary election held in a city containing a population of one million and over shall be enrolled with any political party other than that by which he is appointed as such watcher.

(b) No person is eligible as a candidate for any office or position to be voted for at a primary election who is enrolled in any political party other than the political party for whose nomination he is a candidate.

Subd. 22. Expenses.—All the expenses of conducting the primary elections as provided in this section shall be a public charge. The board of estimate and apportionment of the city

of New York, is hereby empowered, authorized and directed to issue special revenue bonds of the city of New York in the manner provided for by law to meet the expenses of the said primary elections in the said city for the current year and the amount of the said bonds shall be included in the final estimates of the amount to be raised in said city by taxation for the next ensuing year.

§ 6. Section fifteen, of the primary election law, is hereby amended to read as follows:

§ 15. Repealing clause.—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, in so far as they apply to the parties and in the places to which this act is or shall be, applied. All provisions of this act consistent with the provisions relating to the official ballot as set forth in section twelve-a of this act, shall have full force and effect; but in case of any conflict between other portions of this act and the provisions of section twelve-a, the provisions of said section twelve-a shall be controlling. Except that nothing herein contained shall be construed as preventing the use of the existing original enrollment books at any primary election held prior to the first day of January in the year nineteen hundred and eight, and said enrollment books shall continue and be used at all primary elections held under the provisions of this act prior to that time, provided, however, that in case new enrollment books shall have been prepared by the custodian of primary records, pursuant to the provisions of subdivision nine of section three of this act, such new enrollment books shall be used at such primary elections.

§ 8. This act shall take effect immediately.

(No. 30½.)

AN ACT to amend certain sections of the Greater New York charter revised as amended, and relating to the acquisition of lands for public use, and the disposition of buildings and improvements thereon.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and five of the Greater New York charter revised as amended is hereby amended to read as follows:

§ 205. The said board shall, except as in this act otherwise specifically provided, have power to sell or lease for the highest marketable price or rental at public auction or by sealed bids, and always after public advertisement for a period of at least fifteen days in the City Record, and after appraisal under the direction of said board made within three months of the date of sale, any city property except parks, wharves and piers and land under water, but no such lease shall run for a term longer than ten years nor a renewal for a longer period than ten years. If such property be market property it shall be sold only pursuant to a resolution adopted by an unanimous vote of the commissioners of the sinking fund, concurred in by the board of aldermen. The commissioners of the sinking fund shall have power to assign to use for any public purposes any city property, for whatsoever purpose originally acquired, which may be found by the department having control thereof to be no longer required for such purpose. The proceeds of said sale or leasing shall on receipt thereof, after paying necessary charges, be immediately paid to the credit of the sinking fund for the redemption of the city debt. Said commissioners of the sinking fund shall have power, by unanimous vote, to settle and adjust by mutual conveyances or otherwise, and upon such terms and conditions as may seem to them proper, disputes existing between the city and private owners of property, in respect to boundary lines, and to release such interests of the city in real estate as the corporation counsel shall certify in writing to be mere clouds upon titles of private owners, in such manner and upon such terms and conditions as in their judgment shall seem proper. Said commissioners of the sinking fund shall also have power to sell and convey the right, title and interest of the city in and to lands lying within any street, avenue, road, highway, alley, lane or public place or square that has been discontinued and closed, in whole or in part, by lawful authority, to the owner of lands fronting on such street, avenue, road, highway, alley, lane or public place or square so discontinued and closed, on such terms and conditions and for such consideration as in the judgment of the said commissioners of the sinking fund shall seem proper, provided the said commissioners of the sinking fund shall first determine that the said lands or the part thereof so sold and conveyed are not needed for any public use. Whenever and as often as the city of New York acquires lands for a public use other than lands required for the water supply, and a building is or buildings are

erected in whole or in part upon such lands, and such building is or such buildings are not suitable for public use, the sinking fund commissioners must dispose of the building or buildings within ninety days after title has vested in the city to the same as follows: Said commissioners are hereby authorized and directed, as in their discretion seems best, either to sell in the manner provided by law, for the purpose of removal, all buildings or parts of buildings located in or upon lands acquired for public use, title to which has become vested in the city of New York and which building or buildings are not suitable for such public use or to direct that the proper public official take down or remove such building or buildings.

The said commissioners may, however, where parts of buildings only are taken, agree with the owners, lessees or persons interested in the abutting lands not taken or required for the improvement upon which the remainder or remainders of such buildings are located or the owners of the remaining portion of the buildings for and about the price to be paid for such portions of buildings taken and located upon lands required for the public improvement, for the purpose of removal thereof. Whenever buildings, parts of buildings or other improvements erected upon lands required for a public improvement, title to which has become vested in the city, are sold for the purpose of removal, said commissioners shall sell such buildings upon notice that such buildings or improvements shall be removed from the property so acquired within thirty days after the sale thereof, if practicable, and upon the condition that said buildings or portions of buildings and improvements shall not be re-erected or relocated upon any lands within the limits of any public improvement then laid out upon the city map or plan. In case the buildings or parts of buildings and improvements so sold shall not be removed within thirty days, when practicable, after the date of the sale thereof by the purchaser at such sale or by the person with whom an agreement has been made for the removal of such building, such sale shall be, or may at the option of the sinking fund commissioners be treated as null and void and the said commissioners are authorized to resell such property, to be removed within thirty days if practicable, after such resale, and in every such case, the sale and resale of such buildings or parts of buildings or other improvement shall be made upon the same conditions. But in sale and resale of such buildings or parts of buildings or other improvement shall be made upon the same conditions. But in case such building or buildings should be rebuilt or re-erected upon any lands within the limits of any public improvement, contrary

to the terms of sale, the city may treat the sale thereof as null and void, and at its option retake title to the same as if the said building or buildings had no been sold.

Said commissioners of the sinking fund shall also have power to lease all or any part of the right, title and interest heretofore or hereafter acquired by the city in and to any lands outside the limits of said city for the sanitary protection of the water supply, and to grant in perpetuity, or for shorter periods, rights, easements or rights of way in, over or across any such lands, for highway purposes, or for the improvement of the facilities and public service of railroads heretofore located thereon upon such terms and conditions, for such consideration, and subject to such restrictions as in the judgment of said commissioners shall seem proper; provided that no such lease or grant shall be made unless the said commissioners shall first determine that the said lands or interests therein, so granted or conveyed, are to be used or enjoyed for a purpose which is consistent with the sanitary protection of the water supply of said city, and provided that every such grant or lease shall contain covenants restricting the use of such lands, or interests therein in accordance with the determination of said commissioners and providing for the forfeiture to the city of the lands or interests therein upon breach of any of said covenants.

The provisions of existing laws or ordinances relative to the investment of moneys and assets of the several sinking funds hereby made subject to the control of the commissioners of the sinking fund as hereby constituted, in bonds, stocks or obligations of the municipal or public corporations or parts thereof hereby consolidated into the city of New York, including the counties of Kings and Richmond, shall hereafter apply to investment thereof in the bonds and stock of the corporation of the city of New York, issued on and after January first, eighteen hundred and ninety-eight, provided, however, that such bonds or stock shall not thereupon or thereafter be canceled except as herein otherwise specifically provided, but the same shall upon their maturity be paid off, liquidated or discharged in the same manner as they would be if held by private creditors. It shall be lawful for the commissioners of the sinking fund in their discretion, and they are hereby empowered in such discretion, to cancel from time to time, but not before maturity, bonds and stocks of any of the municipal and public corporations or parts thereof forming part

of the corporation of the city of New York, as hereby constituted, and of the counties of Kings and Richmond, which may be held by any of said sinking funds on December thirty-first, eighteen hundred and ninety-seven, providing said bonds and stocks are by law redeemable from the sinking funds in which the same are held. It shall also be lawful for the commissioners of the sinking fund, in their discretion, and they are hereby empowered in such discretion, to cancel from time to time but not before maturity, any portion of the indebtedness of the city of New York, as hereby constituted, incurred on or after January first, eighteen hundred and ninety-eight, which may be held by them in the sinking fund of the city of New York, as hereinafter constituted, and which may by law be redeemable from said sinking fund as herein or elsewhere provided, and all such similar indebtedness incurred to provide for the supply of water, which may be held by them and redeemable from the water sinking fund of the city of New York as hereinafter constituted. The funds to be known as the sinking fund of the city of New York, and the water sinking fund of the city of New York, as hereinafter constituted, shall be administered by the commissioners of the sinking fund, in like manner as provided by the ordinance of the mayor, aldermen and commonalty of the city of New York, approved by the mayor, February twenty-second, eighteen hundred and forty-four, so far as the same may be applicable; provided, however, that nothing contained in said ordinance shall affect or alter the composition of the board of commissioners of the sinking fund, as by this act constituted. The commissioners of the sinking fund may by resolution assign the places where the several municipal courts shall be held within their respective districts and may assign such place in said city as may to it seem most conducive to the public convenience for holding of the courts of general and special sessions, and, upon the application of the board of city magistrates, may designate additional places for the holding of the magistrates' or police courts and jail delivery to be held in and for the city; notice of any change of the places of holding such courts shall, before the same takes effect, be published in the City Record and the corporation newspapers for a period of not less than two weeks. Said publication shall be made under the direction of the comptroller. The commissioners of the sinking fund may by resolution designate from time to time any building or buildings within the city to be the com-

mon jails of said city or of any of the counties contained within its territorial limits for all the purposes for which common jails may by law be used, and such building or buildings so designated shall be such common jails until changed by a like resolution of the commissioners of the sinking fund. The sinking fund commissioners of the city of New York shall not have the power in any event to compromise or release any existing liability or obligation to the city of New York or to the mayor, alderman and commonalty of the city of New York, or to any of the municipalities or parts of municipalities consolidated with the former city of New York, under the provisions of chapter six hundred and forty-two of the laws of eighteen hundred and eighty-six, or under chapter four hundred and thirty-four of the laws of eighteen hundred and ninety-three, but such liabilities and obligations shall be and remain inviolable.

§ 2. Section eight hundred and twenty-two of the Greater New York charter revised as amended is hereby amended to read as follows:

§ 822. The commissioner of docks, with the approval of the commissioners of the sinking fund, is authorized to acquire in the name and for the benefit of the corporation of the city of New York any and all wharf property in the city of New York, as constituted by this act, to which the corporation of the city of New York then has no right or title, and any rights, terms, easements and privileges pertaining to any wharf property in the city of New York, and not owned by said corporation; and said commissioner of docks may acquire the same either by purchase or by process of law, as herein provided. Said commissioner of docks may agree with the owners of any such property, rights, terms, easements, or privileges upon a price for the same, and shall certify such agreement to the commissioners of the sinking fund, and if the said commissioners approve of such agreement, said commissioner of docks shall take from such owners, at such price, the necessary conveyances and covenants for vesting said property, rights, terms, easements or privileges in, and assuring the same to the city of New York forever, and said owner shall be paid such price from the city treasury as provided in this act. If the said commissioner of docks shall deem it proper and expedient that the said corporation should acquire possession of such wharf property, rights, terms, easements or privileges, for which no price can be agreed upon

between said commissioner and the owner or owners thereof, the said commissioner of docks may direct the corporation counsel of said city to take legal proceedings to acquire the same for the city, and the said corporation counsel shall take the same proceedings to acquire the same as are by law provided for the taking of private property in said city for public streets or places, and the provisions of law relating to the taking of private property for public streets or places in said city are hereby made applicable, as far as may be necessary, to the acquiring of the said property, rights, terms, easements and privileges.

The commissioners of the sinking fund are hereby authorized when requested so to do, in writing by the commissioner of docks, to direct that title shall vest in the city of New York to all property, rights, terms, easements and privileges authorized to be acquired by this section, either upon the filing of the oaths of the commissioners of estimate and assessment or upon such subsequent date and prior to the confirmation of the report of the commissioners of estimate and assessment as may to them seem proper and necessary. Thereafter when the said commissioners of estimate and assessment shall have taken and filed said oaths upon the date of such filing or upon such subsequent date as may be specified by the commissioners of the sinking fund, either before or after the filing of such oaths, the city of New York shall become and be seized with the title to the said wharf property, uplands and lands under water, rights, terms, easements and privileges appertaining thereto and authorized to be acquired by this section. And in such case or cases all awards made in such proceeding for the value of property acquired or interests extinguished shall draw interest from the time of the vesting of the title in the city of New York, except in such case or cases where, as hereinafter provided, the comptroller makes advance payments on account of such awards, in which case or cases interest on the award will be paid the owner to the date of the advance payment and thereafter interest will run on the excess of the award over and above the advance payment from the date of such advance payment. Whenever any building or buildings are located in whole or in part within the limits of the improvements authorized herein the commissioner of docks at the time when the proposed acquisition of the lands and interests required is submitted to the sinking fund commissioners for their approval, shall submit to the said commissioners a report from the tenement-house department and the

bureau of buildings and the board of health showing the actual physical and sanitary conditions of all buildings included within the limits of the improvements. Whenever, and as often as title shall vest in the city of New York in accordance with the provisions of this section and prior to the confirmation of the report of the commissioners of estimate and assessment, the comptroller of the city of New York is hereby authorized, as soon as convenient after the date when title has thus vested in the city, to pay to the owners of the lands so acquired, on account of the awards thereafter to be made in such proceeding sixty per centum of the last tax valuation of such lands, or any amount within such limit, provided, first, that the owners submit to the comptroller for examination and approval a policy of insurance certifying that such owner is the true owner of the premises in question and entitled to the award to be made therefor, and further that the amount so to be paid shall be approved both by the corporation counsel and the comptroller as an amount which is within the proper market value of the premises taken, and the fund for making such payment shall be provided for in the manner that the awards made by the commissioners of estimate and assessment are provided to be paid for by this act, and such amount or amounts so paid are to be deducted on final payment from the awards authorized to be paid herein.

And the said commissioner of docks is also empowered to acquire in like manner the title to such lands under water and uplands, or any rights, terms or easements appertaining thereto, within the city of New York, as constituted by this act, as shall seem to said commissioner of docks necessary to be taken for the improvement of the water front, or for the equipment, maintenance or operation of a ferry or for the acquirement of terminal facilities therefor or approaches thereto upon the water front of the borough of Richmond or upon the water front of the borough of Brooklyn between Thirty-eighth street and Sixtieth street. And for the purpose of attempting to agree upon a price with the owners of such wharf property, lands under water, uplands, rights, terms, easements or privileges, it shall be sufficient for the said commissioner of docks to serve upon the said owners of said wharf property, rights, terms, easements or privileges a written offer signed by said commissioner of docks offering a price for the said wharf property, rights, terms, easements or privileges, with notice of the passage of a resolution of approval of the application by the commissioners of the sinking fund, by

personal or substituted service in the same manner, so far as can be made applicable thereto, as is provided for personal or substituted service of a summons in an action by chapter five of the code of civil procedure, unless the supreme court, upon application of said commissioner of docks, shall direct some other and different mode of service. The just compensation to which the owner of property taken under the foregoing provisions is entitled shall be ascertained and determined upon the following principles. If all of the property of such owner is taken, the compensation awarded shall be the fair and just value of the property. If the property of the riparian proprietor has been built upon or improved, and if such buildings or improvements are upon a single tract contiguous to or adjoining lands under water, or which were originally under water, and used in connection therewith, and part only of such property is proposed to be taken, the fair and just value of the entire premises shall first be ascertained, and then there shall be ascertained the like value of the premises in the condition in which they will be after the part is taken, and the difference in value, be it more or less than the separate value of the part taken, shall constitute the measure of compensation. Provided that said commissioner of docks, with the approval of the commissioners of the sinking fund, hereby is empowered to agree, license and permit private owners of any bulkheads, piers or water rights, to make the necessary improvements upon their bulkheads, piers or water rights, so as to conform to the plan already adopted by the department of docks, and approved by the commissioners of the sinking fund of the city of New York as hereinbefore known and bounded, or to be hereafter adopted and approved, pursuant to this chapter, during the period which shall intervene prior to the extinguishment of such private ownership by the city of New York, such improvements to be made by such owners under the supervision of or by the commissioner of docks, as may be agreed upon, at the cost and expense of such private owners, in the first instance, and upon such reasonable terms as to reimbursing said private owners for such improvements, and as to wharfage and other riparian rights thereon and therefrom, as may be agreed upon. All agreements and licenses or permits heretofore made or entered into between the mayor, aldermen and commonalty of the city of New York and any private owners, as to the making of like improvements upon their property, are hereby ratified, confirmed and made

valid. The provisions of this section shall apply to any wharf property, lands under water, uplands, rights, terms, easements or privileges, when required for the equipment, maintenance or operation of a ferry or the acquirements of terminal facilities therefor, or approaches thereto, upon the water front of the borough of Richmond or upon the water front of the borough of Brooklyn between Thirty-eighth street and Sixtieth street, whether such wharf property, lands under water, uplands, rights, terms, easements or privileges have been previously taken for a public use or not.

§ 3. Section nine hundred and seventy, of the Greater New York charter revised as amended, is hereby amended to read as follows:

§ 970. The city of New York is authorized to acquire title either in fee or to an easement, as may be determined by the board of estimate and apportionment, for the use of the public to all or any of the lands required for streets, parks, approaches to bridges and tunnels, sites or lands above or under water for bridges and tunnels, and sites or lands above or under water, for all improvements of the navigation of waters within or separating portions of the city of New York, or of the water fronts of the city of New York, or part or parts thereof, heretofore duly laid out upon the map or plan of the city of New York, of the city of Brooklyn, of Long Island City, or of any of the territory consolidated with the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York, or hereafter duly laid out upon the map or plan of the city of New York, as herein constituted, and to cause the same to be opened, or to acquire title as above stated to such interests in lands as will promote public utility, comfort, health, or adornment, the acquisition of which is not elsewhere provided for. The board of estimate and apportionment is authorized to specify what use is required of the lands which it may determine to be acquired for public use, and the extent of such use, and it is hereby authorized to change the map or plan of the city of New York in accordance with the provisions of this act, on this subject, and to direct the same to be acquired whenever and as often as it shall deem it for the public interest so to do. The lands, tenements and hereditaments that may be required for such purposes may be taken therefor, and compensation and recompense made to the parties and persons, if any such there shall be, to whom the loss and damage thereby shall be deemed to exceed the benefit

and advantage thereof, for the excess of the damage over and above the value of said benefit. The city of New York is authorized to make application, or to cause application to be made, to the supreme court of this state in the first judicial department, when the lands to be taken are situated within New York county, and in the second judicial department, when the lands to be taken are situated in the counties of Kings, Queens or Richmond for the appointment of commissioners of estimate to ascertain and determine the compensation and recompense which should justly be made to the respective owners, lessees, parties and persons respectively entitled unto or interested in the lands, tenements, hereditaments and premises proposed to be taken for any of the purposes aforesaid, and, in a proper case, for the appointment of one of such commissioners of estimate as a commissioner of assessment to assess the cost of such improvement or such proportion thereof as the board of estimate and apportionment directs, upon such parties and persons, lands and tenements as may be deemed to be benefited thereby. The board of estimate and apportionment may authorize as many proceedings to be joined in one application for the appointment of commissioners of estimate or commissioner of assessment as it may deem advisable for the public interests. The moneys collected upon the assessment of the commissioner of assessment shall be paid into the city treasury. The damages awarded by the commissioners of estimate shall become due and payable immediately upon the confirmation of the report of said commissioners of estimate.

Whenever buildings or parts of buildings may be required for the purpose of any improvement authorized herein, the borough president or the department, board or officer under whose jurisdiction said improvement is to be placed, shall at the time when the request is made that proceedings be instituted to acquire the land for the improvement submit to the board of estimate and apportionment a report from the tenement-house department and the bureau of buildings and the board of health showing the actual physical and sanitary condition of all buildings included within the limits of the improvement.

§ 4. Section nine hundred and seventy-one of the Greater New York charter revised as amended, is hereby amended to read as follows:

§ 971. The [board of estimate and apportionment] sinking fund commissioners may permit any building which shall be either partly or wholly included within the limits of any such street, or

park laid out in the said city, and so to be opened as aforesaid, to remain unremoved for such time or times not exceeding ninety days from the vesting of title thereto in the city, as they shall think proper. The president of the borough in which such buildings are located, the tenement-house department and the health department of the city of New York shall respectively report in detail to said commissioners the physical and sanitary conditions of each of the buildings so acquired upon being required so to do by the said commissioners.

§ 5. Section nine hundred and ninety of the Greater New York charter revised as amended is hereby amended to read as follows:

§ 990. Should the board of estimate and apportionment at any time deem it for the public interest that the title to the lands and premises required for any improvement, authorized herein should be acquired by the city of New York at a fixed or specified time, the said board of estimate and apportionment may direct, by a three-fourths vote, [where no buildings are upon such lands,] that upon the date of the filing of the oath of the commissioners of estimate, as provided for in this chapter, or upon a specified date thereafter, [and where there are buildings upon such lands, that upon a date not less than six months from the date of the filing of said oaths] the title to any piece or parcel of land lying within the lines of any such street or park, or any improvement herein authorized shall be vested in the city of New York. Thereafter, when the said commissioners shall have taken and filed said oath upon the date of such filing or upon such subsequent date as may be specified [where no buildings are upon such lands, and where there are buildings upon such lands, upon the date specified by said board of estimate and apportionment,] either before or after the filing of such oath, [the same being not less than six months from the date of said filing,] the city of New York shall become and be seized in fee in or of the easement, in, over, upon or under, as the board of estimate and apportionment may as herein provided determine, the said lands, tenements and hereditaments in the said resolution mentioned, that shall or may be so required as aforesaid, the same to be held, appropriated, converted and used to and for such purpose accordingly. In such cases interest at the legal rate upon the sum or sums to which the owners, lessees, parties or persons are justly entitled upon the date of vesting of title in the city of New York, as aforesaid, from said date to the date of the report of the com-

missioners of estimate, shall be allowed by the commissioners, as part of the compensation to which such owners, lessees, parties or persons are entitled[.], except in those cases where advance payment is made as hereinafter provided, when the interest to be allowed will be interest on the award from date of vesting of title to date of advance payment, together with interest on the excess of the award over and above the amount of advance payment, from date of such payment to date of report. In all other cases, title as aforesaid, shall vest in the city of New York upon the confirmation by the court of the report of the commissioners of estimate and the taking of an appeal from the order of confirmation as elsewhere provided for shall not affect such vesting of title in the city. Upon the vesting of title the city of New York, or any person or persons acting under its authority, may immediately or any time thereafter, take possession of the same, or any part or parts thereof, without any suit or proceeding at law for that purpose. The title acquired by the city of New York to lands and premises required for a street, shall be in trust, that the same be appropriated and kept open for, or as part of a public street, forever, in like manner as the other streets in the city are and of right ought to be.

If any individual or corporation before the appointment of commissioners of estimate has acquired by private grant, prescription or otherwise, any easement for the purpose of laying or maintaining, in lands to be acquired for street purposes as herein provided, underground pipes or conduits for the distribution of water, gas, steam or electricity, or for pneumatic service, such easement shall not be extinguished, but the title to the lands so to be acquired for the purposes as herein provided for, shall be taken subject to such easement; provided, however, that nothing herein contained shall be so construed as to limit the power of the city of New York to acquire by purchase or by condemnation proceedings the entire plant or service of such individual or corporation or to acquire such easement in such street in any other appropriate proceedings. The title in fee acquired by the city of New York to lands and premises required for all purposes provided for in this title, except street purposes, shall be a fee simple absolute.

§ 6. Section ten hundred and one of the Greater New York charter revised as amended is hereby amended to read as follows:

§ 1001. All damages awarded by the commissioners of estimate

after deducting therefrom all payments made by the comptroller as hereinafter provided with interest thereon from the date of said report, and all costs and expenses which may be taxed, shall be paid by the city of New York to the respective persons and bodies politic or corporate mentioned or referred to in said report, or in whose favor such costs or expenses shall be taxed.

Interest shall cease to run on sums awarded as damages six months after the date of the confirmation of said report unless within that time demand therefor be made upon the comptroller. Said damages, costs and expenses shall be paid from the fund for street and park openings provided for in this act, and by existing laws. The person or persons to whom awards shall be made in such proceedings, and the person or persons in whose favor costs and expenses may be taxed, shall not have an action at law against the city of New York for such awards, costs, or expenses, but the court in which said proceedings have been had, upon the application of any such person or persons, in case of the failure of the comptroller of said city to pay the same within thirty days after demand therefor, shall require and direct the comptroller to pay said awards, costs, and expenses from the said fund, and enforce said order or mandate in the same manner as other orders and mandates of said court are enforced. Provided, however, that whenever the amount of damages awarded in any report together with the costs of the commissioners, shall exceed the balance remaining in said fund after deducting all outstanding claims against said balance, the comptroller shall and he is hereby authorized to raise, by the issue and sale of revenue bonds, such amounts as shall be necessary to pay such damages, costs, and expenses, and said court, upon the application of any person or persons in whose favor, or to whom awards shall be made in such proceedings, and the person or persons in whose favor costs and expenses may be taxed, may require or direct the comptroller to raise the money necessary to enable him to pay such awards, costs and expenses, and from such fund to pay the same, except that when any sum or sums shall in said report be made to unknown owners, the supreme court shall, upon the application of said city of New York, or of any person entitled to, or claiming to be interested in the lands, tenements, or hereditaments for which said awards have been made, or any part thereof, either direct the same to be retained by the comptroller, or to be paid into the supreme court, until the title thereto, or of the

respective estates and interests of all parties therein shall be determined by said court, and upon such application, the said court may take the proof and testimony of the claimant or claimants, or parties interested in the lands for which said awards have been made, or refer the matter to a referee for such purpose.

Whenever the board of estimate and apportionment directs that the title shall vest in the lands required for any improvement herein at any time prior to the confirmation of the report of the commissioners of estimate, and title has thus become vested in the city of New York the comptroller of the city of New York is hereby authorized as soon as convenient after the date when title has thus vested in the city, to pay to the owners of the lands so acquired, sixty per centum of the last tax valuation of such lands, or any amount within such limit provided, first, that the owners submit to the comptroller for examination and approval, a policy of insurance certifying that such owner is the true owner of the premises in question, and entitled to the award to be made therefor and further that the amount so to be paid shall be approved both by the corporation counsel and the comptroller as an amount which is within the proper market value of the premises taken, and such amount or amounts are to be paid from the fund for street and park openings provided for in this act and by existing laws, and are to be deducted on final payment from the amounts which the commissioners of estimate may deem such owners are entitled to receive.

§ 7. Section ten hundred and three, of the Greater New York charter revised as amended, is hereby amended to read as follows:

§ 1003. All moneys paid under the provisions of this title by the city, together with interest on all advance payments made on account of lands acquired herein from the date of such payment to the date of the report of the commissioners of estimate, except such part thereof as the board of estimate and apportionment shall direct to be borne and paid by the city of New York, shall be assessed equally and proportionately, as far as the same may be practicable, upon the lands and premises which the board of estimate and apportionment deem benefited by the improvement, and shall be a lien and charge thereon, and shall be applied, levied and collected in the manner provided by law for the assessment, levy, and collection of similar expenses and disbursements for the reimbursement of the city treasury.

§ 8. Section fourteen hundred and thirty-six-a, of the Greater New York charter revised as amended, is hereby amended to read as follows:

§ 1436-a. It shall be the duty of the department, board or officer which has selected lands as aforesaid to submit the matter to the board of estimate and apportionment, and no further proceedings shall be taken until the acquisition of said lands is approved and authorized by a majority vote of all the members of the said board of estimate and apportionment at a meeting of said board duly called and held. Upon such authorization it shall be the duty of the corporation counsel to file in the office of the clerk of the county where the lands or any part thereof are situated a notice of the pendency of proceedings for the acquisition of said lands. The said notice shall briefly state the object of the proceedings and shall contain a description by metes and bounds of the property affected thereby. It shall also state the names of such of the persons interested as owners or otherwise as may be known to the corporation counsel, and in case any of such persons interested as owners or otherwise are unknown a statement to that effect shall be made in such notice. Such notice, from the time of filing, shall be constructive notice to a purchaser or incumbrancer of the lands affected thereby from or against any person interested as owner or otherwise with respect to whom the notice is directed to be indexed.

Whenever buildings or parts of buildings may be required for the purpose of any improvement authorized herein, the department, board or officer which has selected the lands as aforesaid, shall at the time that the request is made that such lands be acquired by the city, submit to the board of estimate and apportionment a report from the tenement-house department and the bureau of buildings and the board of health showing the actual physical and sanitary condition of all buildings included within the limits of the improvement.

§ 9. Section fourteen hundred and forty of the Greater New York charter, revised, as amended, is hereby amended to read as follows:

§ 1440. The said commissioners of estimate, before they present their report to the supreme court, shall deposit a true report or transcript of such estimate in the office of the department board or officer conducting such proceeding, for the inspection of whomsoever it may concern, and shall give daily notice by adver-

tisement in the city record and the corporation newspapers, and also, at the option of the corporation council, in other newspapers, not exceeding three in number, published in said city of New York, for ten days, Sundays and holidays excluded, after depositing such report, of the said deposit thereof in said office, and any person or persons whose rights may be affected thereby, and who may object to the same, or any part thereof, may, within ten days after the first publication of such notice, set forth their objections to the same in writing to the said commissioners, who shall, after hearing the parties so objecting, thereupon reconsider their said estimate and assessment, or the part or parts thereof so objected to, and in the case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly. The city of New York shall, within two calendar months after the confirmation of the said report, pay to the parties entitled thereto the respective sum or sums so estimated and reported in their favor, respectively, with lawful interest from the date of entry of the order confirming the report of said commissioners, or if title to said lands shall have vested in the city under section fourteen hundred and thirty-nine of this act, from the date of said vesting; except where advance payments are made as hereinafter provided, in which case or cases the interest to be paid as above, will be interest on the awards from date of vesting of title to date of advance payment, together with the interest on the excess of the award over and above the amount of the advance payment, from the date of such advance payment, and in default thereof said persons or parties, respectively, his, her, or their respective heirs, executors, administrators, successors or assigns, may, at any time or times after application first made, by him, her, or them to the comptroller of the city of New York for payment thereof, sue for and recover the same with lawful interest, as aforesaid, and the costs of suit. Upon any application to said comptroller the applicant may state that any outstanding taxes, assessments or other liens may be deducted from the amount otherwise payable to him or her, and in that event the fact that there are outstanding taxes, assessments or other liens shall not impair or invalidate such application nor operate as a bar to the collection of interest upon the amount awarded less the amount of such outstanding taxes, assessments or other liens.

Whenever the board of estimate and apportionment directs that the title shall vest in the lands required for any improvement

herein, at any time prior to the confirmation of the report of the commissioners of estimate and appraisal, and title has so become vested in the city of New York, the comptroller of the city of New York is hereby authorized, as soon as convenient after the date when title has thus vested in the city, to pay to the owner or owners of the land so acquired, sixty per centum of the last tax valuation of such land, or any amount within such limit, provided, first, that the owners submit to the comptroller for examination and approval a policy of insurance certifying that such owner is the true owner of the premises in question and entitled to the award to be made therefor; and further, that the amount so to be paid shall be approved both by the corporation counsel and the comptroller as an amount which is within the proper market value of the premises taken, and such amount or amounts are to be paid from the fund from which the awards of the commissioners of estimate and appraisal are authorized to be paid and are to be deducted on final payment from the amounts which the said owners are entitled to receive under this act.

§ 10. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 11. This act shall take effect immediately.

(No. 31.)

AN ACT to amend the insurance law in relation to securities guaranty corporations.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixteen of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, entitled "An act in relation to insurance corporations, constituting section thirty-eight of the general laws," as amended by chapter one hundred and twelve of the laws of eighteen hundred and ninety-three, chapter nine hundred and seventeen of the laws of eighteen hundred and ninety-five, chapter two hundred and eighteen of the laws of eighteen hundred and ninety-seven and chapter three hundred and twenty-six of the laws of nineteen hundred and six, is hereby amended to read as follows:

§ 16. Investment of capital and surplus.—The cash capital of every domestic insurance corporation required to have a capital, to the extent of the minimum capital required by law, shall be invested and kept invested in the kinds of securities in which deposits with the superintendent of insurance are required by this chapter to be made. The residue of the capital and the surplus money and funds of every domestic insurance corporation over and above its capital, and the deposit it may be required to make with the superintendent, may be invested in or loaned on the pledge of any of the securities in which deposits are required to be invested or in the public stocks or bonds of any one of the United States, or except as in this chapter otherwise provided, in the stocks, bonds or other evidence of indebtedness of any solvent institution incorporated under the laws of the United States or of any state thereof, or in such real estate as it is authorized by this chapter to hold; but no such funds shall be invested in or loaned on its own stock or the stock of any other insurance corporation carrying on the same kind of insurance business. Any domestic insurance corporation may, by the direction and consent of two-thirds of its board of directors, managers or finance committee, invest, by loan or otherwise, any such surplus moneys or funds in the bonds issued by any city, county, town, village or school district of this state, pursuant to any law of this state. Any corporation organized under subdivision one-c of section one hundred and seventy of this chapter, may invest by loan or otherwise any of such surplus moneys or funds in the securities which they are authorized to guarantee. Any corporation organized under the ninth subdivision of section seventy of the insurance law, for guaranteeing the validity and legality of bonds issued by any state, or by any city, county, town, village, school district, municipality, or other civil division of any state, may invest by loan or otherwise any of such surplus moneys or funds in the bonds which they are authorized to guarantee. Every such domestic corporation doing business in other states of the United States or in foreign countries, may invest the funds required to meet its obligation incurred in such other states or foreign countries and in conformity to the laws thereof, in the same kind of securities in such other state or foreign countries that such corporation is by law allowed to invest in, in this state. Any life insurance company may lend a sum not exceeding the lawful reserve which it holds upon any policy, on pledge to it of such policy and its accumulations as collateral security.

But nothing in this section shall be held to authorize one insurance corporation to obtain, by purchase or otherwise, the control of any other insurance corporation.

§ 2. Section one hundred and seventy of such chapter, as amended by chapter two hundred and sixty-six of the laws of nineteen hundred, chapter six hundred and seventy-seven of the laws of nineteen hundred and one and chapter five hundred and forty-three of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 170. Incorporation.—Five or more persons may form a corporation for [either] one [or the other] of the following purposes:

1. To examine titles to real property and chattels real, to procure and furnish information in relation thereto, make and guarantee the correctness of searches for all instruments, liens or charges affecting the same, guarantee or insure the payment of bonds and mortgages and guarantee and insure the owners of real property and chattels real and others interested therein against the loss by reason of defective titles thereto, and other incumbrances thereon which shall be known as a title guaranty corporation; or

- 1-a. To guarantee the validity and legality of securities issued by any state or by any city, county, town, village, school district, municipality or other civil division of any state, or by any private or public corporation; to guarantee any such corporation or the owner of its securities against loss by reason of any defect in the title to its real property or chattels real; to act as registrar or transfer agent of any such corporation and to transfer and countersign its certificates of stock, bonds or other evidences of debt. Such corporation shall be known as a securities guaranty corporation and shall be governed by and subject only to the provisions of law applicable to a title guaranty corporation under this article; or

2. To guaranty and indemnify merchants, traders and those engaged in business and giving credit from loss and damage by reason of giving and extending credit to their customers, and those dealing with them, which shall be known as a credit guaranty corporation, by making, acknowledging and filing a certificate stating:

1. The name of the proposed corporation.

2. The kind of corporation to be formed and its purposes.

3. The amount and description of the capital stock.

4. The location of its office.

5. The duration of the corporation, not exceeding fifty years.

No credit guaranty corporation shall be formed for the transaction of business in this state, with a capital smaller than one hundred and fifty thousand dollars. No title guaranty corporation shall be formed with a smaller capital than one hundred and fifty thousand dollars or with a larger capital than ten million dollars, which shall be divided into shares of one hundred dollars each. Such certificate shall be filed in the office of the superintendent of insurance, who shall thereupon issue a license to the persons making such certificate, empowering them as commissioners to open books of subscription to the capital stock of the corporation at such times and places as they may determine.

§ 3. This act shall take effect immediately.

(No. 32.)

AN ACT to amend certain sections of the Greater New York charter revised as amended, and relating to the acquisition of lands for public use, and the disposition of buildings and improvements thereon.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and five of the Greater New York charter revised as amended is hereby amended to read as follows:

§ 205. The said board shall, except as in this act otherwise specifically provided, have power to sell or lease for the highest marketable price or rental at public auction or by sealed bids, and always after public advertisement for a period of at least fifteen days in the City Record, and after appraisal under the direction of said board made within three months of the date of sale, any city property except parks, wharves and piers and land under water, but no such lease shall run for a term longer than ten years nor a renewal for a longer period than ten years. If such property be market property it shall be sold only pursuant to a resolution adopted by an unanimous vote of the commissioners of the sinking fund, concurred in by the board of aldermen. The commissioners

of the sinking fund shall have power to assign to use for any public purposes any city property for whatsoever purpose originally acquired, which may be found by the department having control thereof to be no longer required for such purpose. The proceeds of said sale or leasing shall on receipt thereof, after paying necessary charges, be immediately paid to the credit of the sinking fund for the redemption of the city debt. Said commissioners of the sinking fund shall have power, by unanimous vote, to settle and adjust by mutual conveyances or otherwise, and upon such terms and conditions as may seem to them proper, disputes existing between the city and private owners of property, in respect to boundary lines, and to release such interest of the city in real estate as the corporation counsel shall certify in writing to be mere clouds upon titles of private owners, in such manner and upon such terms and conditions as in their judgment shall seem proper. Said commissioners of the sinking fund shall also have power to sell and convey the right, title and interest of the city in and to lands lying within any street, avenue, road, highway, alley, lane or public place or square that has been discontinued and closed, in whole or in part, by lawful authority, to the owner of lands fronting on such street, avenue, road, highway, alley, lane or public place or square so discontinued and closed, on such terms and conditions and for such consideration as in the judgment of the said commissioners of the sinking fund shall seem proper, provided the said commissioners of the sinking fund shall first determine that the said lands or the part thereof so sold and conveyed are not needed for any public use. Whenever and as often as the city of New York acquires lands for a public use other than land required for the water supply, and a building is or buildings are erected in whole or in part upon such lands, and such building is or such buildings are not suitable for public use, the sinking fund commissioners must dispose of the building or buildings within ninety days after title has vested in the city to the same as follows: Said commissioners are hereby authorized and directed, as in their discretion seems best, either to sell in the manner provided by law, for the purpose of removal, all buildings or parts of buildings located in or upon lands acquired for public use, title to which has become vested in the city of New York and which building or buildings are not suitable for such public use or to direct that the proper public official take down or remove such building or buildings.

The said commissioners may, however, where parts of buildings only are taken, agree with the owners, lessees or persons interested in the abutting lands not taken or required for the improvement upon which the remainder or remainders of such buildings are located or the owners of the remaining portion of the buildings for and about the price to be paid for such portions of buildings taken and located upon lands required for the public improvement for the purpose of removal thereof. Whenever buildings, parts of buildings or other improvements erected upon lands required for a public improvement, title to which has become vested in the city, are sold for the purpose of removal, said commissioners shall sell such buildings upon notice that said buildings or improvements shall be removed from the property so acquired within thirty days after the sale thereof, if practicable, and upon the condition that said buildings or portions of buildings and improvements shall not be re-elected or relocated upon any lands within the limits of any public improvement then laid out upon the city map or plan. In case the buildings or parts of buildings and improvements so sold shall not be removed within thirty days, when practicable, after the date of the sale thereof by the purchaser at such sale or by the person with whom an agreement has been made for the removal of such building, such sale shall be, or may at the option of the sinking fund commissioners be treated as null and void and the said commissioners are authorized to resell such property, to be removed within thirty days if practicable, after such resale, and in every such case, the sale and resale of such buildings or parts of buildings or other improvements shall be made upon the same conditions. But in case such building or buildings should be rebuilt or re-erected upon any lands within the limits of any public improvement, contrary to the terms of sale, the city may treat the sale thereof as null and void, and at its option retake title to the same as if the said building or buildings had not been sold.

Said commissioners of the sinking fund shall also have power to lease all or any part of the right, title and interest heretofore or hereafter acquired by the city in and to any lands outside the limits of said city for the sanitary protection of the water supply, and to grant in perpetuity, or for shorter periods, rights, easements or rights of way in, over or across any such lands, for highway purposes, or for the improvement of the facilities and public service of railroads heretofore located thereon upon such terms and

conditions, for such consideration, and subject to such restrictions as in the judgment of said commissioners shall seem proper; provided that no such lease or grant shall be made unless the said commissioners shall first determine that the said lands or interests therein, so granted or conveyed, are to be used or enjoyed for a purpose which is consistent with the sanitary protection of the water supply of said city, and provided that every such grant or lease shall contain covenants restricting the use of such lands, or interests therein in accordance with the determination of said commissioners and providing for the forfeiture to the city of the lands or interests therein upon breach of any of said covenants.

The provisions of existing laws or ordinances relative to the investment of moneys and assets of the several sinking funds hereby made subject to the control of the commissioners of the sinking fund as hereby constituted, in bonds, stocks or obligations of the municipal or public corporations or parts thereof hereby consolidated into the city of New York, including the counties of Kings and Richmond, shall hereafter apply to investment thereof in the bonds and stock of the corporation of the city of New York, issued on and after January first, eighteen hundred and ninety-eight, provided, however, that such bonds or stock shall not thereupon or thereafter be cancelled except as herein otherwise specifically provided, but the same shall upon their maturity be paid off, liquidated or discharged in the same manner as they would be if held by private creditors. It shall be lawful for the commissioners of the sinking fund in their discretion, and they are hereby empowered in such discretion, to cancel from time to time, but not before maturity, bonds and stocks of any of the municipal and public corporations or parts thereof forming part of the corporation of the city of New York, as hereby constituted, and of the counties of Kings and Richmond, which may be held by any of said sinking funds on December thirty-first, eighteen hundred and ninety-seven, providing said bonds and stocks are by law redeemable from the sinking funds in which the same are held. It shall also be lawful for the commissioners of the sinking fund, in their discretion, and they are hereby empowered in such discretion, to cancel from time to time but not before maturity, any portion of the indebtedness of the city of New York, as hereby constituted, incurred on or after January first eighteen hundred and ninety-eight, which may be held by them in the sinking fund of the city of New York, as hereinafter constituted,

and which may by law be redeemable from said sinking fund as herein or elsewhere provided, and all such similar indebtedness incurred to provide for the supply of water, which may be held by them and redeemable from the water sinking fund of the city of New York as hereinafter constituted. The funds to be known as the sinking fund of the city of New York and the water sinking fund of the city of New York, as hereinafter constituted, shall be administered by the commissioners of the sinking fund, in like manner as provided by the ordinance of the mayor, aldermen and commonalty of the city of New York, approved by the mayor, February twenty-second, eighteen hundred and forty-four, so far as the same may be applicable; provided, however, that nothing contained in said ordinance shall affect or alter the composition of the board of commissioners of the sinking fund, as by this act constituted. The commissioners of the sinking fund may by resolution assign the places where the several municipal courts shall be held within their respective districts and may assign such place in said city as may to it seem most conducive to the public convenience for the holding of the courts of general and special sessions, and, upon the application of the board of city magistrates, may designate additional places for the holding of the magistrates' or police courts and jail delivery to be held in and for the city; notice of any change of the places of holding such courts shall, before the same takes effect, be published in the City Record and the corporation newspapers for a period of not less than two weeks. Said publication shall be made under the direction of the comptroller. The commissioners of the sinking fund may by resolution designate from time to time any building or buildings within the city to be the common jails of said city or of any of the counties contained within its territorial limits for all the purposes for which common jails may by law be used, and such building or buildings so designated shall be such common jails until changed by a like resolution of the commissioners of the sinking fund. The sinking fund commissioners of the city of New York shall not have the power in any event to compromise or release any existing liability or obligation to the city of New York or to the mayor, aldermen and commonalty of the city of New York, or to any of the municipalities or parts of municipalities consolidated with the former city of New York, under the provisions of chapter six hundred and forty-two of the laws of eighteen hundred and eighty-six or under chapter four hun-

dred and thirty-four of the laws of eighteen hundred and ninety-three, but such liabilities and obligations shall be and remain inviolable.

§ 2. Section eight hundred and twenty-two of the Greater New York charter revised as amended is hereby amended to read as follows:

§ 822. The commissioner of docks, with the approval of the commissioners of the sinking fund is, authorized to acquire in the name and for the benefit of the corporation of the city of New York any and all wharf property in the city of New York, as constituted by this act, to which the corporation of the city of New York then has no right or title and any rights, terms, easements and privileges pertaining to any wharf property in the city of New York, and not owned by said corporation; and said commissioner of docks may acquire the same either by purchase or by process of law, as herein provided. Said commissioner of docks may agree with the owners of any such property, rights, terms, easements, or privileges upon a price for the same, and shall certify such agreement to the commissioners of the sinking fund, and if the said commissioners approve of such agreement, said commissioner of docks shall take from such owners, at such price the necessary conveyances and covenants for vesting said property, rights, terms, easements or privileges in, and assuring the same to the city of New York forever, and said owner shall be paid such price from the city treasury as provided in this act. If the said commissioner of docks shall deem it proper and expedient that the said corporation should acquire possession of such wharf property, rights, terms, easements or privileges, for which no price can be agreed upon between said commissioner and the owner or owners thereof, the said commissioner of docks may direct the corporation counsel of said city to take legal proceedings to acquire the same for the city, and the said corporation counsel shall take the same proceedings to acquire the same as are by law provided for the taking of private property in said city for public streets or places, and the provisions of law relating to the taking of private property for public streets or places in said city are hereby made applicable as far as may be necessary, to the acquiring of the said property, rights, terms, easements and privileges [.]

The commissioners of the sinking fund are hereby authorized when requested so to do, in writing by the commissioner of docks,

to direct that title shall vest in the city of New York to all property, rights, terms, easements and privileges authorized to be acquired by this section, either upon the filing of the oaths of the commissioners of estimate and assessment or upon such subsequent date and prior to the confirmation of the report of the commissioners of estimate and assessment as may to them seem proper and necessary. Thereafter when the said commissioners of estimate and assessment shall have taken and filed said oaths upon the date of such filing or upon such subsequent date as may be specified by the commissioners of the sinking fund, either before or after the filing of such oaths, the city of New York shall become and be seized with the title to the said wharf property, uplands and lands under water, rights, terms, easements and privileges appertaining thereto and authorized to be acquired by this section. And in such case or cases all awards made in such proceeding for the value of property acquired or interests extinguished shall draw interest from the time of the vesting of the title in the city of New York, except in such case or cases where, as hereinafter provided, the comptroller makes advance payments on account of such awards, in which case or cases interest on the award will be paid the owner to the date of the advance payment and thereafter interest will run on the excess of the award over and above the advance payment from the date of such advance payment. Whenever any building or buildings are located in whole or in part within the limits of the improvements authorized herein the commissioner of docks at the time when the proposed acquisition of the lands and interests required is submitted to the sinking fund commissioners for their approval, shall submit to the said commissioners a report from the tenement house department and the bureau of buildings and the board of health showing the actual physical and sanitary conditions of all buildings included within the limits of the improvements. Whenever, and as often as title shall vest in the city of New York in accordance with the provisions of this section and prior to the confirmation of the report of the commissioners of estimate and assessment, the comptroller of the city of New York is hereby authorized, as soon as convenient after the date when title has thus vested in the city, to pay to the owners of the lands so acquired on account of the awards thereafter to be made in such proceeding sixty per centum of the last tax valuation of such lands, or any amount within such limit, provided, first, that the owners submit to the

comptroller for examination and approval a policy of insurance certifying that such owner is the true owner of the premises in question and entitled to the award to be made therefor, and further that the amount so to be paid shall be approved both by the corporation counsel and the comptroller as an amount which is within the proper market value of the premises taken, and the fund for making such payment shall be provided for in the manner that the awards made by the commissioners of estimate and assessment are provided to be paid for by this act, and such amount or amounts so paid are to be deducted on final payment from the awards authorized to be paid herein.

And the said commissioner of docks is also empowered to acquire in like manner the title to such lands under water and uplands, or any rights, terms or easements appertaining thereto, within the city of New York as constituted by this act, as shall seem to said commissioner of docks necessary to be taken for the improvement of the water front, or for the equipment, maintenance or operation of a ferry, or for the acquirement of terminal facilities therefor or approaches thereto upon the water front of the borough of Richmond or upon the water front of the borough of Brooklyn between Thirty-eighth street and Sixtieth street. And for the purpose of attempting to agree upon a price with the owners of such wharf property, lands under water, uplands, rights, terms, easements or privileges, it shall be sufficient for the said commissioner of docks to serve upon the said owners of said wharf property, rights, terms, easements or privileges a written offer signed by said commissioner of docks offering a price for the said wharf property, rights, terms, easements or privileges, with notice of the passage of a resolution of approval of the application by the commissioners of the sinking fund, by personal or substituted service in the same manner, so far as the same can be made applicable thereto, as is provided for personal or substituted service of a summons in an action by chapter five of the code of civil procedure, unless the supreme court, upon application of said commissioner of docks, shall direct some other and different mode of service. The just compensation to which the owner of property taken under the foregoing provisions is entitled shall be ascertained and determined upon the following principles. If all of the property of such owner is taken, the compensation awarded shall be the fair and just value of the said property. If the prop-

erty of the riparian proprietor has been built upon or improved, and if such buildings or improvements are upon a single tract contiguous to or adjoining lands under water, or which were originally under water, and used in connection therewith and part only of such property is proposed to be taken, the fair and just value of the entire premises shall first be ascertained, and then there shall be ascertained the like value of the premises in the condition in which they will be after the part is taken, and the difference in value, be it more or less than the separate value of the part taken, shall constitute the measure of compensation. Provided that said commissioner of docks, with the approval of the commissioners of the sinking fund, hereby is empowered to agree license and permit private owners of any bulkheads, piers or water rights, to make the necessary improvements upon their bulkheads, piers or water rights, so as to conform to the plan already adopted by the department of docks and approved by the commissioners of the sinking fund of the city of New York, as heretofore known and bounded or to be hereafter adopted and approved, pursuant to this chapter, during the period which shall intervene prior to the extinguishment of such private ownerships by the city of New York, such improvements to be made by such owners under the supervision of or by the commissioner of docks, as may be agreed upon, at the cost and expense of such private owners, in the first instance, and upon such reasonable terms as to reimbursing said private owners for such improvements, and as to wharfage and other riparian rights thereon and therefrom, as may be agreed upon. All agreements and licenses or permits heretofore made or entered into between the mayor, aldermen and commonalty of the city of New York and any private owners, as to the making of like improvements upon their property, are hereby ratified, confirmed and made valid. The provisions of this section shall apply to any wharf property, lands under water, uplands, rights, terms, easements or privileges, when required for the equipment, maintenance or operation of a ferry or the acquirement of terminal facilities therefor, or approaches thereto, upon the water front of the borough of Richmond or upon the water front of the borough of Brooklyn between Thirty-eighth street and Sixtieth street, whether such wharf property, lands under water, uplands, rights, terms, easements or privileges have been previously taken for a public use or not.

§ 3. Section nine hundred and seventy of the Greater New York charter revised as amended is hereby amended to read as follows:

§ 970. The city of New York is authorized to acquire title either in fee or to an easement, as may be determined by the board of estimate and apportionment, for the use of the public to all or any of the lands required for streets, parks, approaches to bridges and tunnels, sites or lands above or under water for bridges and tunnels, and sites or lands above or under water, for all improvements of the navigation of waters within or separating portions of the city of New York, or of the water fronts of the city of New York, or part or parts thereof, heretofore duly laid out upon the map or plan of the city of New York, of the city Brooklyn, of Long Island City or of any of the territory consolidated with the corporation heretofore known as the mayor, aldermen and commonalty of the city of New York, or hereafter duly laid out upon the map or plan of the city of New York, as herein constituted, and to cause the same to be opened, or to acquire title as above stated to such interests in lands as will promote public utility, comfort, health, or adornment, the acquisition of which is not elsewhere provided for. The board of estimate and apportionment is authorized to specify what use is required of the lands which it may determine to be acquired for public use, and the extent of such use, and it is hereby authorized to change the map or plan of the city of New York in accordance with the provisions of this act, on this subject, and to direct the same to be acquired whenever and as often as it shall deem it for the public interest so to do. The lands, tenements and hereditaments that may be required for such purposes may be taken therefor, and compensation and recompense made to the parties and persons, if any such there shall be, to whom the loss and damage thereby shall be deemed to exceed the benefit and advantage thereof, for the excess of the damage over and above the value of said benefit. The city of New York is authorized to make application, or to cause application to be made, to the supreme court of this state in the first judicial department, when the lands to be taken are situated within New York county, and in the second judicial department, when the lands to be taken are situated in the counties of Kings, Queens or Richmond for the appointment of commissioners of estimate to ascertain and determine the compensation and recompense which should justly be made to the

respective owners, lessees, parties and persons respectively entitled unto or interested in the lands, tenements, hereditaments and premises proposed to be taken for any of the purposes aforesaid, and, in a proper case, for the appointment of one of such commissioners of estimate as a commissioner of assessment to assess the cost of such improvement or such proportion thereof as the board of estimate and apportionment directs, upon such parties and persons, lands and tenements as may be deemed to be benefited thereby. The board of estimate and apportionment may authorize as many proceedings to be joined in one application for the appointment of commissioners of estimate or commissioner of assessment as it may deem advisable for the public interests. The moneys collected upon the assessment of the commissioner of assessment shall be paid into the city treasury. The damages awarded by the commissioners of estimate shall become due and payable immediately upon the confirmation of the report of said commissioners of estimate.

Whenever buildings or parts of buildings may be required for the purpose of any improvement authorized herein, the borough president or the department, board or officer under whose jurisdiction said improvement is to be placed, shall at the time when the request is made that proceedings be instituted to acquire the land for the improvement submit to the board of estimate and apportionment a report from the tenement house department and the bureau of buildings and the board of health showing the actual physical and sanitary condition of all buildings included within the limits of the improvement.

§ 4. Section nine hundred and seventy-one of the Greater New York charter revised as amended is hereby amended to read as follows:

§ 971. The [board of estimate and apportionment] sinking fund commissioners may permit any building which shall be either partly or wholly included within the limits of any such street, or park laid out in the said city, and so to be opened as aforesaid, to remain unremoved for such time or times not exceeding ninety days from the vesting of title thereto in the city, as they shall think proper. The president of the borough in which such buildings are located, the tenement house department and the health department of the city of New York shall respectively report in detail to said commissioners the physical and

sanitary conditions of each of the buildings so acquired upon being required so to do by the said commissioners.

§ 5. Section nine hundred and ninety of the Greater New York charter revised and amended is hereby amended to read as follows:

§ 990. Should the board of estimate and apportionment at any time deem it for the public interest that the title to the lands and premises required for any improvement, authorized herein should be acquired by the city of New York at a fixed or specified time, the said board of estimate and apportionment may direct, by a three-fourths vote, [where no buildings are upon such lands,] that upon the date of the filing of the oath of the commissioners of estimate, as provided for in this chapter, or upon a specified date thereafter, [and where there are buildings upon such lands, that upon a date not less than six months from the date of the filing of said oaths,] the title to any piece or parcel of land lying within the lines of any such street or park, or of any improvement herein authorized shall be vested in the city of New York. Thereafter, when the said commissioners shall have taken and filed said oath upon the date of such filing or upon such subsequent date as may be specified [where no buildings are upon such lands, and where there are buildings upon such lands, upon the date specified by said board of estimate and apportionment,] either before or after the filing of such oath, [the same being not less than six months from the date of said filing,] the city of New York shall become and be seized in fee in or of the easement, in over upon or under, as the board of estimate and apportionment may as herein provided determine, the said lands, tenements and hereditaments in the said resolution mentioned, that shall or may be so required as aforesaid, the same to be held, appropriated, converted and used to and for such purpose accordingly. In such cases interest at the legal rate upon the sum or sums to which the owners, lessees, parties or persons are justly entitled upon the date of vesting of title in the city of New York, as aforesaid, from said date to the date of the report of the commissioners of estimate, shall be allowed by the commissioners, as part of the compensation to which such owners, lessees, parties or persons are entitled [.] except in those cases where advance payment is made as hereinafter provided, when the interest to be allowed will be interest on the award from date of vesting of title to date of advance payment, together with interest on the excess of the award over and above the amount of advance payment,

from date of such payment to date of report. In all other cases, title as aforesaid, shall vest in the city of New York upon the confirmation by the court of the report of the commissioners of estimate and the taking of an appeal from the order of confirmation as elsewhere provided for shall not effect such vesting of title in the city. Upon the vesting of title the city of New York, or any person or persons acting under its authority, may immediately, or any time thereafter, take possession of the same, or any part or parts thereof, without any suit or proceeding at law for that purpose. The title acquired by the city of New York to lands and premises required for a street, shall be in trust, that the same be appropriated and kept open for, or as part of a public street, forever, in like manner as the other streets in the city are and of right ought to be. If any individual or corporation before the appointment of commissioners of estimate has acquired by private grant, prescription or otherwise, any easement for the purpose of laying or maintaining, in lands to be acquired for street purposes as herein provided, underground pipes or conduits for the distribution of water, gas, steam or electricity, or for pneumatic service such easement shall not be extinguished, but the title to the lands so to be acquired for the purposes as herein provided for, shall be taken subject to such easement; provided, however, that nothing herein contained shall be so construed as to limit the power of the city of New York to acquire by purchase or by condemnation proceedings the entire plant or service of such individual or corporation or to acquire such easement in such street in any other appropriate proceedings. The title in fee acquired by the city of New York to lands and premises required for all purposes provided for in this title, except street purposes, shall be a fee simple absolute.

§ 6. Section ten hundred and one of the Greater New York charter revised as amended is hereby amended to read as follows:

§ 1001. All damages awarded by the commissioners of estimate after deducting therefrom all payments made by the comptroller as hereinafter provided with interest thereon from the date of said report, and all costs and expenses which may be taxed, shall be paid by the city of New York to the respective persons and bodies politic or corporate mentioned or referred to in said report, or in whose favor such costs or expenses shall be taxed.

Interest shall cease to run on sums awarded as damages six months after the date of the confirmation of said report unless

within that time demand therefor be made upon the comptroller. Said damages, costs, and expenses shall be paid from the fund for street and park openings provided for in this act, and by existing laws. The person or persons to whom awards shall be made in such proceedings, and the person or persons in whose favor costs and expenses may be taxed, shall not have an action at law against the city of New York for such awards, costs, or expenses, but the court in which said proceedings have been had, upon the application of any such person or persons, in case of the failure of the comptroller of said city to pay the same within thirty days after demand therefor, shall require and direct the comptroller to pay said awards, costs, and expenses from the said fund, and enforce said order or mandate in the same manner as other orders and mandates of said court are enforced. Provided, however, that whenever the amount of damages awarded in any report together with the costs of the commissioners, shall exceed the balance remaining in said fund after deducting all outstanding claims against said balance, the comptroller shall and he is hereby authorized to raise, by the issue and sale of revenue bonds, such amounts as shall be necessary to pay such damages, costs, and expenses, and said court, upon the application of any person or persons in whose favor, or to whom awards shall be made in such proceeding, and the person or persons in whose favor costs and expenses may be taxed, may require or direct the comptroller to raise the money necessary to enable him to pay such awards, costs and expenses, and from such fund to pay the same, except that when any sum or sums shall in said report be made to unknown owners, the supreme court shall, upon the application of said city of New York, or of any person entitled to, or claiming to be interested in the lands, tenements or hereditaments for which said awards have been made, or any part thereof, either direct the same to be retained by the comptroller, or to be paid into the supreme court, until the title thereto, or of the respective estates and interests of all parties therein shall be determined by said court, and upon such application, the said court may take the proof and testimony of the claimant or claimants, or parties interested in the lands for which said awards have been made, or refer the matter to a referee for such purpose.

Whenever the board of estimate and apportionment directs that the title shall vest in the lands required for any improvement herein at any time prior to the confirmation of the report of the

commissioners of estimate, and title has thus become vested in the city of New York the comptroller of the city of New York is hereby authorized as soon as convenient after the date when title has thus vested in the city, to pay to the owners of the lands so acquired, sixty per centum of the last tax valuation of such lands, or any amount within such limit provided, first, that the owners submit to the comptroller for examination and approval, a policy of insurance certifying that such owner is the true owner of the premises in question, and entitled to the award to be made therefor and further that the amount so to be paid shall be approved both by the corporation counsel and the comptroller as an amount which is within the proper market value of the premises taken, and such amount or amounts are to be paid from the fund for street and park openings provided for in this act and by existing laws, and are to be deducted on final payment from the amounts which the commissioners of estimate may deem such owners are entitled to receive.

§ 7. Section ten hundred and three of the Greater New York charter revised as amended is hereby amended to read as follows:

§ 1003. All moneys paid under the provisions of this title by the city, together with interest on all advance payments made on account of lands acquired herein from the date of such payment to the date of the report of the commissioners of estimate, except such part thereof as the board of estimate and apportionment shall direct to be borne and paid by the city of New York, shall be assessed equally and proportionately, as far as the same may be practicable, upon the lands and premises which the board of estimate and apportionment deem benefited by the improvement, and shall be a lien and charge thereon, and shall be applied, levied and collected in the manner provided by law for the assessment, levy, and collection of similar expenses and disbursements for the reimbursement of the city treasury.

§ 8. Section fourteen hundred and thirty-six-a of the Greater New York charter revised as amended is hereby amended to read as follows:

§ 1436a. It shall be the duty of the department, board or officer which has selected lands as aforesaid to submit the matter to the board of estimate and apportionment, and no further proceedings shall be taken until the acquisition of said lands is approved and authorized by a majority vote of all the members of said board of estimate and apportionment at a meeting of said

board duly called and held. Upon such authorization it shall be the duty of the corporation counsel to file in the office of the clerk of the county where the lands or any part thereof are situated a notice of the pendency of proceedings for the acquisition of said lands. The said notice shall briefly state the object of the proceedings and shall contain a description by metes and bounds of the property affected thereby. It shall also state the names of such of the persons interested as owners or otherwise as may be known to the corporation counsel, and in case any of such persons interested as owners or otherwise are unknown a statement to that effect shall be made in such notice. Such notice, from the time of filing, shall be constructive notice to a purchaser or incumbrancer of the lands affected thereby from or against any person interested as owner or otherwise with respect to whom the notice is directed to be indexed.

Whenever buildings or parts of buildings may be required for the purpose of any improvement authorized herein, the department, board or officer which has selected the lands as aforesaid, shall at the time that the request is made that such lands be acquired by the city, submit to the board of estimate and apportionment a report from the tenement house department and the bureau of buildings and the board of health showing the actual physical and sanitary condition of all buildings included within the limits of the improvement.

§ 9. Section fourteen hundred and forty of the Greater New York charter revised as amended is hereby amended to read as follows:

§ 1440. The said commissioners of estimate, before they present their report to the supreme court, shall deposit a true report or transcript of such estimate in the office of the department, board or officer conducting such proceeding, for the inspection of whomsoever it may concern, and shall give daily notice by advertisement in the City Record and the corporation newspapers, and also, at the option of the corporation counsel, in other newspapers, not exceeding three in number, published in said city of New York, for ten days, Sundays and holidays excluded, after depositing such report, of the said deposit thereof in said office, and any person or persons whose rights may be affected thereby, and who may object to the same, or any part thereof, may, within ten days after the first publication of such notice, set forth their objections to the same in writing to the said commissioners, who

shall, after hearing the parties so objecting, thereupon reconsider their said estimate and assessment, or the part or parts thereof so objected to, and in the case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly. The city of New York shall, within two calendar months after the confirmation of the said report, pay to the parties entitled thereto the respective sum or sums so estimated and reported in their favor, respectively, with lawful interest from the date of entry of the order confirming the report of said commissioners, or if title to said lands shall have vested in the city under section fourteen hundred and thirty-nine of this act, from the date of said vesting; except where advance payments are made as hereinafter provided, in which case or cases the interest to be paid as above, will be interest on the awards from date of vesting of title to date of advance payment, together with the interest on the excess of the award over and above the amount of the advance payment, from the date of such advance payment, and in default thereof said person or parties, respectively, his, her, or their respective heirs, executors, administrators, successors or assigns, may, at any time or times after application first made, by him, her, or them to the comptroller of the city of New York for payment thereof, sue for and recover the same with lawful interest, as aforesaid, and the costs of suit. Upon any application to said comptroller the applicant may state that any outstanding taxes, assessments or other liens may be deducted from the amount otherwise payable to him or her, and in that event the fact that there are outstanding taxes, assessments or other liens shall not impair or invalidate such application nor operate as a bar to the collection of interest upon the amount awarded less the amount of such outstanding taxes, assessments or other liens.

Whenever the board of estimate and apportionment directs that the title shall vest in the lands required for any improvement herein, at any time prior to the confirmation of the report of the commissioners of estimate and appraisal, and title has so become vested in the city of New York, the comptroller of the city of New York is hereby authorized, as soon as convenient after the date when title has thus vested in the city, to pay to the owner or owners of the land so acquired, sixty per centum of the last tax valuation of such land, or any amount within such limit, provided, first, that the owners submit to the comptroller for examination and approval a policy of insurance certifying that such owner is

the true owner of the premises in question and entitled to the award to be made therefor; and further, that the amount so to be paid shall be approved both by the corporation counsel and the comptroller as an amount which is within the proper market value of the premises taken, and such amount or amounts are to be paid from the fund from which the awards of the commissioners of estimate and appraisal are authorized to be paid and are to be deducted on final payment from the amounts which the said owners are entitled to receive under this act.

§ 10. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 11. This act shall take effect immediately.

(No. 33.)

AN ACT to amend the code of civil procedure, in relation to the conveyance of real estate by executors and administrators, in certain cases.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The code of civil procedure is hereby amended by adding thereto, after section eighteen hundred and one thereof, a new section to be section eighteen hundred and one-a, to read as follows:

§ 1801-a. When a person dies seized of the legal title to lands in this state, and another person claims to hold the beneficial interest in an executory contract made by the decedent for the sale and conveyance of such lands to the vendee therein named, or to his successors in interest, the execution and delivery of a deed of such real estate by the executor or administrator of the decedent's estate, to the holder of said contract, having the effect of conveying all of the right, title and interest of the decedent at the time of his death in and to said lands, may be authorized and compelled upon the application of such executor or administrator, upon the conditions and in the manner hereinafter provided. Upon receiving written notice of any such claim, subscribed by the claimant and requesting that proceedings be instituted under the provisions of this section, and containing particulars as to the date of the contract, the amount of the pur-

chase price, the time or times when installments thereof were or will become due and payable, the sum, if any, admitted to be still due or unpaid thereon, a description of the lands in question and a statement of any other condition applying to the vendee, the executor or administrator may, in his discretion, apply to the surrogate from whose court his letters were issued, for an order authorizing and directing him to execute a deed of such lands to the person entitled thereto upon such terms as the court may prescribe. The executor or administrator may, in his discretion, accept from the claimant a deposit of money to secure the estate for any costs and expenses of the application; such money to be retained by the executor or administrator to the extent of any costs or expenses thus paid or incurred only in the event that the claimant neglects unreasonably to tender performance of his part of the contract, or to be ready and willing to perform when requested, pursuant to the order, if any, to be entered on such application. The application shall be by petition, duly verified, which shall set forth the facts hereinabove provided to be contained in said notice, and such other facts in relation to said matter as may have come to the knowledge of the executor or administrator, together with the names of the decedent's heirs, devisees and surviving husband or wife, if any, and of all persons claiming under them or either of them, so far as known, and shall pray for a citation to all such heirs, devisees, wife, widow or persons, requiring them to show cause before said surrogate why an order should not be entered authorizing such conveyance. Upon the return of such citation and after hearing the proofs in support of the petition, or in opposition thereto, the surrogate shall make such order as justice requires. If it is found that the enforcement of said contract at law would be subject to a valid defence, in favor of any party to said proceeding, the petition shall be dismissed. If it is found that such contract is valid and in force and that the vendor had not, in his lifetime, effectually conveyed his interest in said lands in fulfillment thereof, the order shall direct such conveyance to be made by the executor or administrator, upon receiving the balance of the purchase price, when due, if there be any such unpaid balance, which amount shall be specified in the order, or upon the compliance by the claimant with any other condition imposed on him by the contract. Under such order, if the purchase money on the contract is not due and the claimant elects to pay the

whole amount thereof, before maturity, the executor or administrator shall receive the same and shall thereupon execute and deliver the deed hereinabove provided for. A conveyance made in pursuance of such order shall be binding on all of said persons in interest who were duly cited in the proceeding. An order dismissing the petition shall not prejudice the right of the claimant under said contract to a civil action for specific performance nor to any other remedy then existing at law or in equity; but the delivery and acceptance of a deed of conveyance executed in pursuance of an order granted as prescribed in this section shall be deemed a complete fulfillment of such contract. An order directing a conveyance under the provisions of this section may be enforced, at the instance of the person entitled to such conveyance, by contempt proceedings in the manner provided for the enforcement of a decree under section twenty-five hundred and fifty-five of this act, provided it is shown that such person tendered performance of his part of the contract, or was ready and able to perform when requested, within a reasonable time after the order was entered. Upon such a proceeding costs and disbursements may be allowed and included in the order, payable from the estate, in sums specified in section twenty-five hundred and sixty-one of this act.

§ 2. This act shall take effect September first, nineteen hundred and seven.

(No. 34.)

AN ACT to amend the Greater New York charter, in relation to the powers of the board of estimate and apportionment.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title five of chapter six of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by inserting therein a new section to be known as section two hundred and forty-six, to read as follows:

§ 246. Claims against the city.—The board of estimate and apportionment may, in its discretion, inquire into, hear and determine any claim against the city of New York which has been certified to said board in writing by the comptroller as an illegal

or invalid claim against the city, but which, notwithstanding, in his judgment, it is equitable and proper for the city to pay in whole or in part, and if upon such inquiry the board by unanimous vote determines that the city has received a benefit and is justly and equitably obligated to pay such claim and that the interests of the city will be best subserved by the payment or compromise thereof, it may authorize the comptroller to pay the claim and the comptroller shall thereupon pay the claim in such amount as the board of estimate and apportionment shall so determine to be just, in full satisfaction of such claim, provided that the claimant shall fully release the city, upon any such payment, in such form as shall be approved by the corporation counsel. The provisions of this section shall not authorize the audit or payment of any claim barred by the statute of limitations, nor any claim for services performed under an appointment in violation of any provision of the civil service law. For the purpose of carrying out the provisions of this section, it shall be the duty of the comptroller of the city of New York on being thereunto authorized by the said board of estimate and apportionment, to issue and sell corporate stock or revenue bonds of the city of New York in such amounts as may be necessary, and at such a rate of interest as may be fixed by said comptroller. No consent or approval of any board or public body other than the said board of estimate and apportionment shall be necessary to authorize the comptroller to issue such stock or revenue bonds for the purposes of this section.

§ 2. This act shall take effect immediately.

(No. 35.)

AN ACT to establish the public service commissions and prescribing their powers and duties, and to provide for the regulation and control of certain public service corporations and making an appropriation therefor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

THE PUBLIC SERVICE COMMISSIONS LAW.

Article I. Public service commissions; general provisions
(§§ 1-23).

- II. Provisions relating to railroads, street railroads and common carriers (§§ 25-42).
- III. Provisions relating to the powers of the commissions in respect to railroads, street railroads and common carriers (§§ 45-61).
- IV. Provisions relating to gas and electric corporations; regulation of price of gas and electricity (§§ 65-76).
- V. Commissions and offices abolished; saving clause; repeal (§§ 80-89).

ARTICLE I.

PUBLIC SERVICE COMMISSIONS; GENERAL PROVISIONS.

Section 1. Short title.

2. Definitions.

3. Public service districts.

4. Commissions established; appointment; removal; terms of office.

5. Jurisdiction of commissions.

6. Counsel to the commissions.

7. Secretary to the commissions.

8. Additional officers and employees.

9. Oath of office; eligibility of commissioners and officers.

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11. Quorum; powers of a commissioner.

12. Counsel to the commissions; duties.

13. Salaries and expenses.

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15. Certain acts prohibited.

16. Annual report of commissions.

17. Certified copies of papers filed to be evidence.

18. Fees to be charged and collected by the commissions.

19. Attendance of witnesses and their fees.

20. Practice before the commissions; immunity of witnesses.

21. Court proceedings; preference.

22. Rehearing before commission.

23. Service and effect of orders.

Section 1. Short title.— This chapter shall be known as the

public service commissions law, and shall apply to the public services herein described, and to the commission hereby created.

§ 2. **Definitions.**—The term “commission,” when so used in this act, means either public service commission, hereby created, which by the terms of the act is vested with the power or duty in question.

The term “commissioner,” when used in this act, means one of the members of such commission.

The term “corporation,” when used in this act, includes a corporation, company, association and joint-stock association.

The word “person,” when used in this act, includes an individual and a firm or copartnership.

The term “street railroad,” when used in this act, includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for compensation, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place in any city, village or town, and including all switches, spurs, tracks, right of trackage, subways, tunnels, stations, terminals and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such street railroad; but the said term “street railroad,” when used in this act, shall not include a railroad constituting or used as part of a trunk line railroad system.

The term “railroad,” when used in this act, includes every railroad by whatsoever power operated for public use in the conveyance of persons or property for compensation, with all bridges, ferries, tunnels, switches, spurs, tracks, stations and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such railroad.

The term “street railroad corporation,” when used in this act, includes every corporation, company, association, joint-stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, managing or controlling any street railroad or any cars or other equipment used thereon or in connection therewith.

The term “railroad corporation,” when used in this act, includes every corporation, company, association, joint-stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, managing or controlling any railroad or any cars or other equipment used thereon or in connection therewith.

The term "common carrier," when used in this act, includes all railroad corporations, street railroad corporations, express companies, car companies, sleeping-car companies, freight companies, freight-line companies and all persons and associations of persons, whether incorporated or not, operating such agencies for public use in the conveyance of persons or property within this state.

The term "gas corporation," when used in this act, includes every corporation, company, association, joint-stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, managing or controlling any plant or property for manufacturing and distributing and selling for distribution or distributing illuminating gas (natural or manufactured) for light, heat or power.

The term "electrical corporation," when used in this act, includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever (other than a railroad or street railroad corporation generating electricity for its own use exclusively), owning, operating, managing or controlling any plant or property for generating and distributing, or generating and selling for distribution, or distributing electricity for light, heat or power or for the transmission of electric current for such purposes.

The term "transportation of property or freight," when used in this act, includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property or freight transported.

The term "municipality," when used in this act, includes a city, village, town or lighting district, organized as provided by a general or special act.

§ 3. **Public service districts.**—There are hereby created two public service districts, to be known as the first district and the second district. The first district shall include the counties of New York, Kings, Queens and Richmond. The second district shall include all other counties of the state.

§ 4. **Commissions established; appointment; removal; terms of office.**—There shall be a public service commission for each district, and each shall possess the powers and duties hereinafter specified, and also all powers necessary or proper to enable it to carry out the purposes of this act. The commission of the first district shall consist of five members and the commission of the

second district shall consist of five members, to be appointed by the governor, by and with the advice and consent of the senate, one of whom designated by the governor shall, during his term of office, be the chairman of the commission of which he is a member. Each commissioner shall be a resident of the district for which he is appointed.

The governor may remove any commissioner for inefficiency, neglect of duty or misconduct in office, giving to him a copy of the charges against him, and an opportunity of being publicly heard in person or by counsel in his own defense, upon not less than ten days notice. If such commissioner shall be removed the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner, and his findings thereon, together with a complete record of the proceedings.

Of the members of the commission in each district first appointed hereunder, one shall hold office until February first, nineteen hundred and nine, one until February first, nineteen hundred and ten, one until February first, nineteen hundred and eleven, one until February first, nineteen hundred and twelve, and one until February first, nineteen hundred and thirteen; the term of office of each commissioner so appointed shall begin on the first day of July, nineteen hundred and seven. Upon the expiration of each of such terms, the term of office of each commissioner thereafter appointed shall be five years, from the first of February. Vacancies shall be filled by appointment for the unexpired term.

§ 5. Jurisdiction of commissions.—The jurisdiction, supervision, powers and duties of the public service commission in the first district shall extend under this act:

1. To railroads and street railroads lying exclusively within that district, and to the persons or corporations owning, leasing, operating or controlling the same.

2. To street railroads any portion of whose lines lies within that district, to all transportation of persons or property thereon within that district or from a point within either district to a point within the other district, and to the persons or corporations owning, operating, controlling or leasing the said street railroads; provided, however, that the commission for the second district shall have jurisdiction over such portion of the lines of said street railroads as lies within the second district, and over the persons or corporations owning, operating, controlling or leasing the same, so

far as concerns the construction, maintenance, equipment, terminal facilities and local transportation facilities of said street railroads within the second district.

3. To such portion of the lines of any other railroad as lies within that district, and to the person or corporation owning, leasing, operating or controlling the same, so far as concerns the construction, maintenance, equipment, terminal facilities and local transportation facilities, and local transportation of persons or property within that district.

4. To any common carrier operating or doing business exclusively within that district.

5. To the manufacture, sale or distribution of gas and electricity for light, heat and power in said district, and to the persons or corporations owning, leasing, operating or controlling the same.

6. And in addition thereto, the commission in the first district shall have and exercise all powers heretofore conferred upon the board of rapid transit railroad commissioners under chapter four of the laws of eighteen hundred and ninety-one, entitled "An act to provide for rapid transit railways in cities of over one million inhabitants," and the acts amendatory thereto.

All jurisdiction, supervision, powers and duties under this act not specifically granted to the public service commission of the first district shall be vested in, and be exercised by, the public service commission for the second district, including the regulation and control of all transportation of persons or property, and the instrumentalities connected with such transportation, on any railroad other than a street railroad from a point within either district to a point within the other district.

§ 6. **Counsel to the commissions.**—Each commission shall appoint as counsel to the commission an attorney and counselor-at-law of the state of New York, who shall hold office during the pleasure of the commission. Each counsel to the commission shall, subject to the approval of the commission, have the power to appoint, and at pleasure remove, attorneys and counselors-at-law, to assist him in the performance of his duties, and also to employ and remove stenographers and process-servers.

§ 7. **Secretary to the commissions.**—Each commission shall have a secretary to be appointed by it and to hold office during its pleasure. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, of all books, maps, documents and papers ordered filed by the commission and

of all orders made by a commissioner and of all orders made by the commission or approved and confirmed by it and ordered filed, and he shall be responsible to the commission for the safe custody and preservation of all such documents at its office. Under the direction of the commission the secretary shall have general charge of its office, superintend its clerical business and perform such other duties as the commission may prescribe. He shall have power and authority to administer oaths in all parts of the state, so far as the exercise of such power is properly incidental to the performance of his duty or that of the commission. The secretary shall designate, from time to time, one of the clerks appointed by the commission to perform the duties of secretary during his absence and, during such time, the clerk so designated shall at the office possess the powers of the secretary of the commission.

§ 8. **Additional officers and employees.**—Each commission shall have power to employ, during its pleasure, such officers, clerks, inspectors, experts and employees as it may deem to be necessary to carry out the provisions of this act, or to perform the duties and exercise the powers conferred by law upon the commission.

§ 9. **Oath of office; eligibility of commissioners and officers.**—Each commissioner and each person appointed to office by a commission or by counsel to a commission shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. No person shall be eligible for appointment or shall hold the office of commissioner or be appointed by a commission or by counsel to a commission to, or hold, any office or position under a commission, who holds any official relation to any common carrier, railroad corporation, street railroad corporation, gas corporation or electric corporation subject to the provisions of this act, or who owns stocks or bonds therein.

§ 10. **Offices of commissions; meetings; official seal; stationery, etc.**—1. The principal office of the commission of the first district shall be in the borough of Manhattan, city of New York; and the office of the second district shall be in the city of Albany, in rooms designated by the trustees of public buildings. Each commission shall hold stated meetings at least once a month during the year at its office. Each shall have an official seal to be furnished and prepared by the secretary of state as provided by law. The offices shall be supplied with all necessary books,

maps, charts, stationery, office furniture, telephone and telegraph connections and all other necessary appliances, to be paid for in the same manner as other expenses authorized by this act.

2. The offices of each commission shall be open for business between the hours of eight o'clock in the morning and eleven o'clock at night every day in the year, and one or more responsible persons, to be designated by the commission or by the secretary under the direction of the commission, shall be on duty at all times in immediate charge thereof.

§ 11. **Quorum; powers of a commissioner.**—A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the commission, and may hold meetings of the commission at any time or place within the state. Any investigation, inquiry or hearing which either commission has power to undertake or to hold may be undertaken or held by or before any commissioner. All investigations, inquiries, hearings and decisions of a commissioner shall be and be deemed to be the investigations, inquiries, hearings and decisions of the commission and every order made by a commissioner, when approved and confirmed by the commission and ordered filed in its office, shall be and be deemed to be the order of the commission.

§ 12. **Counsel to the commissions; duties.**—It shall be the duty of counsel to a commission to represent and appear for the people of the state of New York and the commission, in all actions and proceedings involving any question under this act, or under or in reference to any act or order of the commission, and, if directed to do so by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence and prosecute all actions and proceedings directed or authorized by the commission, and to expedite in every way possible final determination of all such actions and proceedings; to advise the commission and each commissioner when so requested in regard to all matters in connection with the powers and duties of the commission and of the members thereof, and generally to perform all duties and services as attorney and counsel to the commission which the commission may reasonably require of him.

§ 13. **Salaries and expenses.**—The annual salary of each commissioner shall be fifteen thousand dollars (\$15,000). The annual

salary of counsel to a commission shall be ten thousand dollars (\$10,000). The annual salary of a secretary to a commission shall be six thousand dollars (\$6,000). All officers, clerks, inspectors, experts and employees of a commission, and all persons appointed by the counsel to a commission, shall receive the compensation fixed by the commission.

The commissioners, counsel to the commission and the secretary, and their officers, clerks, inspectors, experts and other employees, shall have reimbursed to them all actual and necessary traveling and other expenses and disbursements incurred or made by them in the discharge of their official duties.

§ 14. **Payment of salaries and expenses.**—1. The salaries of the commissioners, the counsel to the commission, and the secretary to the commission in the first district shall be audited and allowed by the state comptroller, and paid monthly by the state treasurer upon the order of the comptroller out of the funds provided therefor. All other salaries and expenses of the commission of the first district shall be audited and paid as follows: The board of estimate and apportionment of the city of New York, or other board or public body on which is imposed the duty and in which is vested the power of making appropriations of public moneys for the purposes of the city government shall, from time to time, on requisition duly made by the public service commission of the first district, appropriate such sum or sums of money as may be requisite and necessary to enable it to do and perform, or cause to be done and performed, the duties in this or in any other act prescribed, and to provide for the expenses and the compensation of the employees of such commission, and such appropriation shall be made forthwith upon presentation of a requisition from the said commission, which shall state the purposes for which such moneys are required by it. In case the said board of estimate and apportionment, or such other board or public body, fail to appropriate such amount as the said commission deems requisite and necessary, the said commission may apply to the appellate division of the supreme court in the first department, on notice to the board of estimate and apportionment or such other board or public body aforesaid, to determine what amount shall be appropriated for the purposes so required and the decision of said appellate division shall be final and conclusive; and the city shall not be liable for any indebtedness incurred by the said commission in excess of such appropriation or appropria-

tions. It shall be the duty of the auditor and comptroller of said city, after such appropriation shall have been duly made, to audit and pay the proper expenses and compensation of the employees of said commission other than its counsel and secretary, upon vouchers therefor, to be furnished by the said commission and its secretary and counsel, which payments shall be made in like manner as payments are now made by the auditor, comptroller or other public officers of claims against and demands upon such city; and for the purpose of providing funds with which to pay the said sums, the comptroller or other chief financial officer of said city, is hereby authorized and directed to issue and sell revenue bonds of such city in anticipation of receipt of taxes and out of the proceeds of such bonds to make the payments in this section required to be made. The amount necessary to pay the principal and interest of such bonds shall be included in the estimates of moneys necessary to be raised by taxation to carry on the business of said city, and shall be made a part of the tax levy for the year next following the year in which such appropriations are made. The commission may provide that all or any portion of the expenses so incurred and paid by said city as in this section provided, and for which said city shall be liable, shall be repaid, with interest, by the bidder or bidders at the public sale of the rights, privileges and franchises, as provided in chapter four of the laws of eighteen hundred and ninety-one, entitled "An act to provide for rapid transit railways in cities of over one million inhabitants," and the acts amendatory thereto. The said comptroller shall pay the proper salaries and the expenses of the said commission upon its requisition, for the remainder of the fiscal year after this act shall take effect, from any funds that may have been heretofore appropriated for the board of rapid transit railroad commissioners, which appropriation is hereby transferred to the credit of the public service commission of the first district. In case the said appropriation shall not be sufficient to meet such salaries and expenses, the comptroller of said city is hereby authorized and directed to issue and sell revenue bonds of said city, in anticipation of receipt of taxes, as hereinbefore provided.

2. All salaries and expenses of the commission in the second district shall be audited and allowed by the state comptroller and paid monthly by the state treasurer upon the order of the comptroller, out of the funds provided therefor.

§ 15. **Certain acts prohibited.**— Every commissioner, counsel to a commission, the secretary of a commission, and every person employed or appointed to office, either by a commission or by the counsel to a commission, is hereby forbidden and prohibited to solicit, suggest, request or recommend, directly or indirectly, to any common carrier, railroad corporation or street railroad corporation, or to any officer, attorney, agent or employee thereof, the appointment of any person to any office, place, position or employment. And every common carrier, railroad corporation and street railroad corporation and every officer, attorney, agent and employee thereof, is hereby forbidden and prohibited to offer to any commissioner, to counsel to a commission, to the secretary thereof, or to any person employed by a commission or by the counsel to a commission, any office, place, appointment or position, or to offer or give to any commissioner, to counsel to a commission, to the secretary thereof, or to any officer employed or appointed to office by the commission or by the counsel to the commission, any free pass or transportation or any reduction in fare to which the public generally are not entitled or free carriage for freight or property or any present, gift or gratuity of any kind. If any commissioner, counsel to a commission, the secretary thereof or any person employed or appointed to office by a commission or by counsel to a commission, shall violate any provision of this section he shall be removed from the office held by the person guilty of such violation of this section. Every commissioner, counsel to the commission, the secretary thereof and every person employed or appointed to office by the commission or by counsel to the commission, shall be and be deemed to be a public officer.

§ 16. **Annual report of commissions.**— All proceedings of each commission and all documents and records in its possession shall be public records, and each commission shall make an annual report to the legislature on or before the second Monday of January in each year, which shall contain copies of all orders issued by it, and any information in the possession of the commission which it shall deem of value to the legislature and the people of the state. Five hundred copies of each report, together with abstracts of the reports to such commission of common carriers, railroad corporations and street railroad corporations, and gas and electric corporations, in addition to the regular number prescribed by law, shall be printed as a public document of the state, bound in cloth, for the use of the commissioners and to be distributed by them in

their discretion to railroad, gas and electric corporations and other persons interested therein.

§ 17. **Certified copies of papers filed to be evidence.**—Copies of all official documents and orders filed or deposited according to law in the office of either commission, certified by a commissioner or by the secretary of the commission to be true copies of the originals, under the official seal of the commission, shall be evidence in like manner as the originals.

§ 18. **Fees to be charged and collected by the commissions.**—Each commission shall charge and collect the following fees: For copies of papers and records not required to be certified or otherwise authenticated by the commission, ten cents for each folio; for certified copies of official documents and orders filed in its office, fifteen cents for each folio, and one dollar for every certificate under seal affixed thereto; for certifying a copy of any report made by a corporation to the commission, two dollars; for each certified copy of the annual report of the commission, one dollar and fifty cents; for certified copies of evidence and proceedings before the commission, fifteen cents for each folio. No fees shall be charged or collected for copies of papers, records or official documents, furnished to public officers for use in their official capacity, or for the annual reports of the commission in the ordinary course of distribution. All fees charged and collected by the commission of the first district shall belong to the city of New York, and shall be paid monthly, accompanied by a detailed statement thereof, into the treasury of the city to the credit of the general fund, and all fees charged and collected by the commission of the second district shall belong to the people of the state, and shall be paid monthly, accompanied by a detailed statement thereof, into the treasury of the state to the credit of the general fund.

§ 19. **Attendance of witnesses and their fees.**—1. All subpoenas shall be signed and issued by a commissioner or by the secretary of a commission and may be served by any person of full age. The fees of witnesses required to attend before a commission, or a commissioner, shall be two dollars for each day's attendance, and five cents for every mile of travel by the nearest generally traveled route in going to and from the place where attendance of the witness is required, such fees to be paid when the witness is excused from further attendance; and the disbursements made in the payment of such fees shall be audited and paid in the

first district in the same manner provided for the payment of expenses of the commission.

2. If a person subpoenaed to attend before a commission, or a commissioner fails to obey the command of such subpoena, without reasonable cause, or if a person in attendance before a commission, or commissioner, shall, without reasonable cause, refuse to be sworn or to be examined or to answer a question or to produce a book or papers, when ordered so to do by the commission, or a commissioner, or to subscribe and swear to his deposition after it has been correctly reduced to writing, he shall be guilty of a misdemeanor and may be prosecuted therefor in any court of competent criminal jurisdiction.

If a person in attendance before a commission or a commissioner refuses without reasonable cause to be examined or to answer a legal and pertinent question or produce a book or paper, when ordered so to do by a commission or a commissioner, the commission may apply to any justice of the supreme court upon proof by affidavit of the facts for an order returnable in not less than two nor more than five days directing such person to show cause before the justice who made the order, or any other justice of the supreme court, why he should not be committed to jail; upon the return of such order the justice before whom the matter shall come on for hearing shall examine under oath such person whose testimony may be relevant, and such person shall be given an opportunity to be heard; and if the justice shall determine that such person has refused without reasonable cause or legal excuse to be examined, or to answer a legal and pertinent question, or to produce a book or paper which he was ordered to bring, he may forthwith, by warrant, commit the offender to jail, there to remain until he submits to do the act which he was so required to do or is discharged according to law.

§ 20. Practice before the commissions; immunity of witnesses.

— All hearings before a commission or a commissioner, shall be governed by rules to be adopted and prescribed by the commission. And in all investigations, inquiries or hearings the commission, or a commissioner, shall not be bound by the technical rules of evidence. No person shall be excused from testifying or from producing any books or papers in any investigation or inquiry by or upon any hearing before a commission or any commissioner, when ordered to do so by the commission, upon the ground that the testimony or evidence, books or documents re-

quired of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence; provided, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained is intended to give, or shall be construed as in any manner giving unto any corporation immunity of any kind.

§ 21. **Court proceedings; preferences.**— All actions and proceedings under this act, and all actions and proceedings commenced or prosecuted by order of either commission, and all actions and proceedings to which either commission or the people of the state of New York may be parties, and in which any question arises under this act or under the railroad law, or under or concerning any order or action of the commission, shall be preferred over all other civil causes except election causes in all courts of the state of New York and shall be heard and determined in preference to all other civil business pending therein excepting election causes, irrespective of position on the calendar. The same preference shall be granted upon application of counsel to the commission in any action or proceeding in which he may be allowed to intervene.

§ 22. **Rehearing before commission.**— After an order has been made by a commission any party interested therein may apply for a rehearing in respect to any matter determined therein, and the commission may grant and hold such a rehearing if in its judgment sufficient reason therefor be made to appear; if a rehearing shall be granted, the same shall be determined by the commission within thirty days after the same shall be finally submitted. An application for such a rehearing shall not excuse any common carrier, railroad corporation or street railroad corporation from complying with or obeying any order or any requirement of any order of the commission, or operate in any manner to stay or postpone the enforcement thereof except as the commission may by order direct. If, after such rehearing and a consideration of the facts, including those arising since the making of the order, the commission shall be of opinion that the original order or any part thereof is in any respect unjust or unwarranted, the commission may abrogate,

change or modify the same. An order made after any such rehearing abrogating, changing or modifying the original order shall have the same force and effect as an original order but shall not affect any right or the enforcement of any right arising from or by virtue of the original order.

§ 23. **Service and effect of orders.**— Every order of a commission shall be served upon every person or corporation to be affected thereby, either by personal delivery of a certified copy thereof, or by mailing a certified copy thereof, in a sealed package with postage prepaid, to the person to be affected thereby or, in the case of a corporation, to any officer or agent thereof upon whom a summons may be served in accordance with the provisions of the code of civil procedure. It shall be the duty of every person and corporation to notify the commission forthwith, in writing, of the receipt of the certified copy of every order so served, and in the case of a corporation such notification must be signed and acknowledged by a person or officer duly authorized by the corporation to admit such service. Within a time specified in the order of the commission every person and corporation upon whom it is served must if so required in the order notify the commission in like manner whether the terms of the order are accepted and will be obeyed.

Every order of a commission shall take effect at a time therein specified and shall continue in force for a period therein designated unless earlier modified or abrogated by the commission or unless such order be unauthorized by this or any other act or be in violation of a provision of the constitution of the state or of the United States.

ARTICLE II.

PROVISIONS RELATING TO RAILROADS, STREET RAILROADS AND COMMON CARRIERS.

Section 25. Application of article.

26. Adequate service; just and reasonable charges.
27. Switch and side-track connections; powers of commissions.
28. Tariff schedules; publication.
29. Changes in schedule; notice required.
30. Concurrence in joint tariffs; contracts, agreements or arrangements between any carriers.

Section 31. Unjust discrimination.

32. Unreasonable preference.

33. Transportation prohibited until publication of schedules; rates as fixed to be charged; passes prohibited.

34. False billing, etc., by carrier or shipper.

35. Discrimination prohibited; connecting lines.

36. Long and short haul.

37. Distribution of cars.

38. Liability for damage to property in transit.

39. Continuous carriage.

40. Liability for loss or damage by violation of this act.

§ 25. **Application of article.**— The provision of this article shall apply to the transportation of passengers, freight or property, from one point to another within the state of New York, and to any common carrier performing such service.

§ 26. **Safe and adequate service; just and reasonable charges.**— Every corporation, person or common carrier performing a service designated in the preceding section, shall furnish, with respect thereto, such service and facilities as shall be safe and adequate and in all respects just and reasonable. All charges made or demanded by any such corporation, person or common carrier for the transportation of passengers, freight or property or for any service rendered or to be rendered in connection therewith, as defined in section two of this act, shall be just and reasonable and not more than allowed by law or by order of the commission having jurisdiction and made as authorized by this act. Every unjust or unreasonable charge made or demanded for any such service or transportation of passengers, freight or property or in connection therewith or in excess of that allowed by law or by order of the commission is prohibited.

§ 27. **Switch and side track connections; powers of commissions.**
—1. A railroad corporation, upon the application of any shipper tendering traffic for transportation, shall construct, maintain and operate upon reasonable terms a switch connection or connections with a lateral line of railroad or private sidetrack owned, operated or controlled by such shipper, and shall, upon the application of any shipper, provide upon its own property a sidetrack and switch connection with its line of railroad, whenever such sidetrack and switch connection is reasonably practicable, can be put in with safety and the business therefor is sufficient to justify the same.

2. If any railroad corporation shall fail to install or operate any such switch connection with a lateral line of railroad or any such side-track and switch connection as aforesaid, after written application therefor has been made to it, any corporation or person interested may present the facts to the commission having jurisdiction by written petition, and the commission shall investigate the matters stated in such petition, and give such hearing thereon as it may deem necessary or proper. If the commission be of opinion that it is safe and practicable to have a connection, substantially as prayed for, established or maintained, and that the business to be done thereon justifies the construction and maintenance thereof, it shall make an order directing the construction and establishment thereof, specifying the reasonable compensation to be paid for the construction, establishment and maintenance thereof, and may in like manner upon the application of the railroad corporation order the discontinuance of such switch connection.

§ 28. **Tariff schedules; publication.**— Every common carrier shall file with the commission having jurisdiction and shall print and keep open to public inspection schedules showing the rates, fares and charges for the transportation of passengers and property within the state between each point upon its route and all other points thereon; and between each point upon its route and all points upon every route leased, operated or controlled by it; and between each point on its route or upon any route leased, operated or controlled by it and all points upon the route of any other common carrier, whenever a through route and joint rate shall have been established or ordered between any two such points. If no joint rate over the through route has been established, the several carriers in such through route shall file, print and keep open to public inspection, as aforesaid, the separately established rates, fares and charges applied to the through transportation. The schedules printed as aforesaid shall plainly state the places between which property and passengers will be carried, and shall also contain the classification of passengers, freight or property in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the commission may require to be stated, all privileges or facilities granted or allowed, and any rules or regulations which may in any wise change, affect or determine any part, or the aggregate of, such aforesaid rates, fares and charges, or the value of the service

rendered to the passenger, shipper or consignee. Such schedules shall be plainly printed in large type; copies thereof for the use of the public shall be kept posted in two public and conspicuous places in every depot, station and office of every common carrier where passengers or property are received for transportation, in such manner as to be readily accessible to and conveniently inspected by the public. The form of every such schedule shall be prescribed by the commission and shall conform as nearly as possible to the form of schedule required by the interstate commerce commission under the act of congress, entitled: "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, as amended by act approved June twenty-ninth, nineteen hundred and six, and other amendments thereto. Where any similar schedule is required by law to be filed with both commissions they shall agree upon an identical form for such schedule. The commission shall have power, from time to time, in its discretion, to determine and prescribe by order such changes in the form of such schedules as may be found expedient.

§ 29. **Changes in schedule; notice required.**— Unless the commission otherwise orders no change shall be made in any rate, fare or charge, or joint rate, fare or charge, which shall have been filed and published by a common carrier in compliance with the requirements of this act, except after thirty days' notice to the commission and publication for thirty days as required by section twenty-eight of this act, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the changed rate, fare or charge will go into effect; and all proposed changes shall be shown by printing, filing and publishing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. The commission, for good cause shown, may allow changes in rates without requiring the thirty days' notice and publication herein provided for, by duly entering and publishing in such manner as it may direct an order specifying the change so made and the time when it shall take effect; all such changes shall be immediately indicated upon its schedules by the common carrier.

§ 30. **Concurrence in joint tariffs; contracts, agreements or arrangements between any carriers.**— 1. The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the commission such evidence of concur-

rence therein or acceptance thereof as may be required or approved by the commission; and where such evidence of concurrence or acceptance is filed, it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties.

2. Every common carrier shall file with the commission sworn copies of every contract, agreement or arrangement with any other common carrier or common carriers relating in any way to the transportation of passengers, property or freight.

§ 31. **Unjust discrimination.**— No common carrier shall, directly or indirectly, by any special rate, rebate, drawback, or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for any service rendered or to be rendered in the transportation of passengers, freight or property, except as authorized in this act, than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service in the transportation of a like kind of traffic under the same or substantially similar circumstances and conditions.

§ 32. **Unreasonable preference.**— No common carrier shall make or give any undue or unreasonable preference or advantage to any person or corporation or to any locality or to any particular description of traffic in any respect whatsoever, or subject any particular person or corporation or locality or any particular description of traffic, to any prejudice or disadvantage in any respect whatsoever.

§ 33. **Transportation prohibited until publication of schedules; rates as fixed to be charged; passes prohibited.**— No common carrier subject to the provisions of this act shall after the first day of November, nineteen hundred and seven, engage or participate in the transportation of passengers, freight or property, between points within the state, until its schedules of rates, fares and charges shall have been filed and published in accordance with the provisions of this act. No common carrier shall charge, demand, collect or receive a greater or less or different compensation for transportation of passengers, freight or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified, nor extend to any

shipper or person any privileges or facilities in the transportation of passengers or property except such as are regularly and uniformly extended to all persons and corporations under like circumstances. No common carrier subject to the provisions of this act shall, directly or indirectly, issue or give any free ticket, free pass or free transportation for passengers or property between points within this state, except to its officers, employees, agents, pensioners, surgeons, physicians, attorneys-at-law, and their families; to ministers of religion, officers and employees of railroad young men's Christian associations, inmates of hospitals, charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; and to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge, and boards of managers of such homes; to necessary caretakers of property in transit; to employees of sleeping-car companies, express companies, telegraph and telephone companies doing business along the line of the issuing carrier; to railway mail service employees, post-office inspectors, customs inspectors and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation or proceeding in which the common carrier is interested, persons injured in accidents or wrecks and physicians and nurses attending such persons; to the carriage free or at reduced rates of persons or property for the United States, state or municipal governments, or of property to or from fairs and expositions for exhibit thereat. Nothing in this act shall be construed to prohibit the interchange of free or reduced transportation between common carriers of or for their officers, agents, employees, attorneys and surgeons and their families, nor to prohibit any common carrier from carrying passengers or property free, with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitation; nor to prohibit any common carrier from transporting persons or property as incident to or connected with contracts for construction, operation or maintenance, and to the extent only that such free transportation is provided for in the contract for such work.

Provided further, that nothing in this act shall prevent the issuance of mileage, excursion, or commutation passenger tickets,

or joint interchangeable mileage tickets, with special privileges as to the amount of free baggage that may be carried under mileage tickets of one thousand miles or more. But before any common carrier, subject to the provision of this act, shall issue any such mileage, excursion, commutation passenger ticket or joint interchangeable mileage ticket, with special privileges as aforesaid, it shall file with the commission copies of the tariffs of rates, fares or charges on which such tickets are to be based, together with the specifications of the amount of free baggage permitted to be carried under such joint interchangeable mileage ticket, in the same manner as common carriers are required to do with regard to other rates by this act. Nor shall anything in this act prevent the issuance of passenger transportation in exchange for advertising space in newspapers at full rates.

§ 34. **False billing, etc., by carrier or shipper.**—No common carrier or any officer or agent thereof or any person acting for or employed by it, shall assist, suffer or permit any person or corporation to obtain transportation for any passenger, freight or property between points within this state at less than the rates then established and in force in accordance with the schedules filed and published in accordance with the provisions of this act, by means of false billing, false classification, false weight or weighing, or false report of weight, or by any other device or means. No person, corporation or any officer, agent or employee of a corporation, who shall deliver freight or property for transportation within the state to a common carrier, shall seek to obtain or obtain such transportation for such property at less than the rates then established and in force therefor, as aforesaid, by false billing, false or incorrect classification, false weight or weighing, false representation of the contents of a package, or false report or statement of weight, or by any other device or means, whether with or without the consent or connivance of the common carrier, or any of its officers, agents or employees.

§ 35. **Discrimination prohibited; connecting lines.**—Every common carrier is required to afford all reasonable, proper and equal facilities for the interchange of passenger, freight and property traffic between the lines owned, operated, controlled or leased by it and the lines of every other common carrier, and for the prompt transfer of passengers and for the prompt receipt and forwarding of freight to and from its said lines.

and no common carrier shall in any manner discriminate in respect to rates, fares or charges or in respect to any service or in respect to any charges or facilities for any such transfer in receiving or forwarding between any two or more other common carriers or between passengers, freight or property destined to points upon the lines of any two or more other common carriers or in any respect with reference to passengers, freight or property transferred or received from any two or more other common carriers. This section shall not be construed to require a common carrier to permit or allow any other common carrier to use its tracks or terminal facilities. Every common carrier, as such, is required to receive from every other common carrier, at a connecting point, freight cars of proper standard, and haul the same through to destination, if the destination be upon a line owned, operated or controlled by such common carrier, or if the destination be upon a line of some other common carrier, to haul any car so delivered through to the connecting point upon the line owned, operated, controlled or leased by it, by way of route over which such car is billed, and there to deliver the same to the next connecting carrier. Nothing in this section shall be construed as in anywise limiting or modifying the duty of a common carrier to establish joint rates, fares and charges for the transportation of passengers, freight and property over the lines owned, operated, controlled and leased by it and the lines of other common carriers, nor as in any manner limiting or modifying the power of the commission to require the establishment of such joint rates, fares and charges. A railroad corporation and a street railroad corporation shall not be required to interchange cars except on such terms and conditions as the commission may direct.

§ 36. Long and short haul.—No common carrier, subject to the provisions of this act, shall charge or receive any greater compensation in the aggregate for the transportation of passengers or of a like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any such common carrier to charge and receive as great a compensation for a shorter as for a longer distance or haul. Upon application of a common carrier the commission may by order authorize it to charge less for longer than for shorter distances for the

transportation of passengers or property in special cases after investigation by the commission, but the order must specify and prescribe the extent to which the common carrier making such application is relieved from the operation of this section, and only to the extent so specified and prescribed shall any common carrier be relieved from the operation and requirements of this section.

§ 37. **Distribution of cars.**— 1. Every railroad corporation or other common carrier engaged in the transportation of freight shall, upon reasonable notice, furnish to all persons and corporations who may apply therefor, and offer freight for transportation, sufficient and suitable cars for the transportation of such freight in car-load lots. Every railroad corporation and street railroad corporation shall have sufficient cars and motive power to meet all requirements for the transportation of passengers and property which may reasonably be anticipated, unless relieved therefrom by order of the commission. In case, at any particular time, a common carrier has not sufficient cars to meet all requirements for the transportation of property in car-load lots, all cars available to it for such purposes shall be distributed among the several applicants therefor, without discrimination between shippers, localities or competitive or non-competitive points, but preference may always be given in the supply of cars for shipment of livestock or perishable property.

2. The commission shall have power to make, and by order shall make, reasonable regulations for the furnishing and distribution of freight cars to shippers, for the switching of the same, for the loading and unloading thereof, for demurrage charges in respect thereto, and for the weighing of cars and freight offered for shipment or transported by any common carrier.

§ 38. **Liability for damage to property in transit.**— Every common carrier and every railroad corporation and street railroad corporation shall, upon demand, issue either a receipt or bill of lading for all property delivered to it for transportation. No contract, stipulation or clause in any receipt or bill of lading shall exempt or be held to exempt any common carrier, railroad corporation or street railroad corporation from any liability for loss, damage or injury caused by it to freight or property from the time of its delivery for transportation until the same shall have been received at its destination and a reasonable time shall have elapsed after notice to consignee of such arrival to permit of the removal of such freight or property. Every common carrier, railroad corporation and

street railroad corporation shall be liable for all loss, damage or injury to property caused by delay in transit due to negligence while the same is being carried by it, but in any action to recover for damages sustained by delay in transit the burden of proof shall be upon the defendant to show that such delay was not due to negligence. Every common carrier and railroad corporation shall be liable for loss, damage and injury to property carried as baggage up to the full value and regardless of the character thereof, but the value in excess of one hundred and fifty dollars shall be stated upon delivery to the carrier, and a written receipt stating the value shall be issued by the carrier, who may make a reasonable charge for the assumption of such liability in excess of one hundred and fifty dollars and for the carriage of baggage exceeding one hundred and fifty pounds in weight upon a single ticket. Nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.

§ 39. **Continuous carriage.**— No common carrier shall enter into or become a party to any combination, contract, agreement or understanding, written or oral, express or implied, to prevent by any arrangement or by change of arrangement of time schedule, by carriage in different cars or by any other means or device whatsoever the carriage of freight and property from being continuous from the place of shipment to the place of destination. No breakage of bulk, stoppage or interruption of carriage made by any common carrier shall prevent the carriage of freight and property from being treated as one continuous carriage from the place of shipment to the place of destination. Nor shall any such breakage of bulk, stoppage or interruption of carriage be made or permitted by any common carrier except it be done in good faith for a necessary purpose without intention to avoid or unnecessarily interrupt or delay, the continuous carriage of such freight or property or to evade any of the provisions of law, of this act or of an order of the commission.

§ 40. **Liability for loss or damage caused by violation of this act.**— In case a common carrier shall do, cause to be done or permit to be done any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done, either by any law of the state of New York, by this act or by an order of the commission, such common carrier shall be liable to the persons or corporations affected

thereby for all loss, damage or injury caused thereby or resulting therefrom, and in case of recovery, if the court shall find that such act or omission was wilful, it may in its discretion fix a reasonable counsel or attorney's fee, which fee shall be taxed and collected as part of the costs in the case. An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by any such person or corporation.

ARTICLE III.

PROVISIONS RELATING TO THE POWERS OF THE COMMISSIONS IN RESPECT TO COMMON CARRIERS, RAILROADS AND STREET RAILROADS.

- Section** 45. General powers and duties of commissions in respect to common carriers, railroads and street railroads.
46. Reports of common carriers, railroad corporations and street railroad corporations.
 47. Investigation of accidents.
 48. Investigations by commission.
 49. Rates and service to be fixed by the commissions.
 50. Power of commissions to order repairs or changes.
 51. Power of commissions to order changes in time schedules; running of additional cars and trains.
 52. Uniform system of accounts; access to accounts, et cetera; forfeitures.
 53. Franchises and privileges.
 54. Transfer of franchises or stocks.
 55. Approval of issues of stock, bonds and other forms of indebtedness.
 56. Forfeiture; penalties.
 57. Summary proceedings.
 58. Penalties for other than common carrier.
 59. Action to recover penalties or forfeitures.
 60. Duties of commissions as to interstate traffic.

§ 45. General powers and duties of commissions in respect to common carriers, railroads and street railroads.—1. Each commission and each commissioner shall have power and authority to administer oaths, in all parts of the state, to witnesses summoned to testify in any inquiry, investigation, hearing or proceeding; and also to administer oaths in all parts of the state

whenever the exercise of such power is incidentally necessary or proper to enable the commission or a commissioner to perform a duty or to exercise a power.

2. Each commission shall have the general supervision of all common carriers, railroads, street railroads, railroad corporations and street railroad corporations within its jurisdiction as hereinbefore defined, and shall have power to and shall examine the same and keep informed as to their general condition, their capitalization, their franchises and the manner in which their lines, owned, leased, controlled or operated, are managed, conducted and operated, not only with respect to the adequacy, security and accommodation afforded by their service, but also with respect to their compliance with all provisions of law, orders of the commission and charter requirements.

3. Each commission and each commissioner shall have power to examine all books, contracts, records, documents and papers of any person or corporation subject to its supervision, and by subpoena duces tecum to compel production thereof. In lieu of requiring production of originals by subpoena duces tecum, the commission or any commissioner may require sworn copies of any such books, records, contracts, documents and papers or parts thereof to be filed with it.

4. Either commission shall conduct a hearing and take testimony as to the advisability of any proposed change of law relating to any common carrier, railroad corporation or street railroad corporation, if requested to do so by the legislature, by the senate or assembly committee on railroads, or by the governor, and may conduct such a hearing, when requested to do so, by any person or corporation, and shall report its conclusions to the officer, body, person or corporation at whose request the hearing was held. The commission may also recommend the enactment of such legislation, with respect to any matter within its jurisdiction, as it deems wise or necessary in the public interest, and may draft or cause to be drafted such bills or acts as it may deem necessary or proper to enact into law the legislation recommended by it.

§ 46. Reports of common carriers, railroad corporations and street railroad corporations.— Each commission shall prescribe the form of the annual reports required under this act to be made by common carriers, railroad and street railroad corporations, and may from time to time make such changes therein and ad-

ditions thereto in such form as it may deem proper; provided, however, that if any such changes or additions require any alteration in the method or forms of keeping the accounts of such corporations, the commission shall give to them at least six months' notice before the expiration of any fiscal year of any such changes or additions, and on or before June thirtieth, in each year, shall furnish a blank form for such report. The contents of such report and the form thereof shall conform as near as may be to that required of common carriers under the provisions of the act of congress, entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and the act amendatory thereof approved June twenty-ninth, nineteen hundred and six, and other amendments thereto. The commission may require such report to contain information in relation to rates or regulations concerning fares or freights, agreements or contracts affecting the same, so far as such rates or regulations pertain to transportation within the state. When the report of any such corporation is defective, or believed to be erroneous, the commission shall notify the corporation to amend the same within thirty days. The originals of the reports, subscribed and sworn to as prescribed by law, shall be preserved in the office of the commission. The commission may also require such corporations to file monthly reports of earnings and expenses within a specified period. The commission may require of all such corporations specific answers to questions upon which the commission may need information. The annual report required to be filed by a common carrier, railroad or street railroad corporation shall be so filed on or before the thirtieth day of September in each year. The commission may extend the time for making and filing such report for a period not exceeding sixty days. If such corporation shall fail to make and file the annual report within the time above specified, or within the time as extended by the commission, or shall fail to make specific answer to any question, or shall fail to make the monthly reports when required by the commission as herein provided, within thirty days from the time when it is required to make and file such report, such corporation shall forfeit to the state the sum of one hundred dollars for each and every day it shall continue to be in default with respect to such report. Such forfeiture shall be recovered in an action brought by the commission in the name of the people of the state of New York. The amount recovered in any

such action shall be paid into the state treasury and credited to the general fund. Any railroad corporation operating a line partly within the second district and partly within the first district shall report to the commission for the second district; but the commission for the first district may, upon reasonable notice, require a special report from such railroad corporation. Any street railroad corporation operating a line partly within the first district and partly within the second district shall report to the commission for the first district; but the commission for the second district may, upon reasonable notice, require a special report from such street railroad corporation.

§ 47. **Investigation of accidents.**—Each commission shall investigate the cause of all accidents on any railroad or street railroad within its district which result in loss of life or injury to persons or property, and which in its judgment shall require investigation. Every common carrier, railroad corporation and street railroad corporation is hereby required to give immediate notice to the commission of every accident happening upon any line of railroad or street railroad owned, operated, controlled or leased by it, within the territory over which such commission has jurisdiction in such manner as the commission may direct. Such notice shall not be admitted as evidence or used for any purpose against such common carrier, railroad corporation or street railroad corporation giving such notice in any suit or action for damages growing out of any matter mentioned in said notice.

§ 48. **Investigations by commission.**—1. Each commission may, of its own motion, investigate or make inquiry, in a manner to be determined by it, as to any act or thing done or omitted to be done by any common carrier, railroad corporation or street railroad corporation, subject to its supervision, and the commission must make such inquiry in regard to any act or thing done or omitted to be done by any such common carrier, railroad corporation or street railroad corporation in violation of any provision of law or in violation of any order of the commission.

2. Complaints may be made to the proper commission by any person or corporation aggrieved, by petition or complaint in writing setting forth any thing or act done or omitted to be done by any common carrier, railroad corporation or street railroad corporation in violation, or claimed to be in violation, of any provision of law or of the terms and conditions of its franchise or charter or of

any order of the commission. Upon the presentation of such a complaint the commission shall cause a copy thereof to be forwarded to the person or corporation complained of, accompanied by an order, directed to such person or corporation, requiring that the matters complained of be satisfied, or that the charges be answered in writing within a time to be specified by the commission. If the person or corporation complained of shall make reparation for any injury alleged and shall cease to commit, or to permit, the violation of law, franchise or order charged in the complaint, and shall notify the commission of that fact before the time allowed for answer, the commission need take no further action upon the charges. If, however, the charges contained in such petition be not thus satisfied, and it shall appear to the commission that there are reasonable grounds therefor, it shall investigate such charges in such manner and by such means as it shall deem proper, and take such action within its powers as the facts justify.

3. Whenever either commission shall investigate any matter complained of by any person or corporation aggrieved by any act or omission of a common carrier, railroad corporation or street railroad corporation under this section it shall be its duty to make and file an order either dismissing the petition or complaint or directing the common carrier, railroad corporation or street railroad corporation complained of to satisfy the cause of complaint in whole or to the extent which the commission may specify and require.

§ 49. Rates and service to be fixed by the commission.—Whenever either commission shall be of opinion, after a hearing, upon a complaint made as provided in this act, that the rates, fares or charges demanded, exacted, charged or collected by any common carrier, railroad corporation or street railroad corporation subject to its jurisdiction for the transportation of persons, freight or property within the state, or that the regulations or practices of such common carrier, railroad corporation or street railroad corporation affecting such rates are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in anywise in violation of any provision of law, the commission shall determine the just and reasonable rates, fares and charges to be thereafter observed and in force as the maximum to be charged for the service to be performed, and shall fix the same by order to be served upon all common carriers, railroad corpo-

rations or street railroad corporations by whom such rates, fares and charges are thereafter to be observed. And whenever the commission shall be of opinion, after a hearing, had upon its own motion or upon complaint, that the regulations, practices, equipment, appliances, or service of any such common carrier, railroad corporation or street railroad corporation in respect to transportation of persons, freight or property within the state are unjust, unreasonable, unsafe, improper or inadequate, the commission shall determine the just, reasonable, safe, adequate and proper regulations, practices, equipment, appliances and service thereafter to be in force and to be observed in respect to such transportation of persons, freight and property and so fix and prescribe the same by order to be served upon every common carrier, railroad corporation and street railroad corporation to be bound thereby; and thereafter it shall be the duty of every common carrier, railroad corporation and street railroad corporation to observe and obey each and every requirement of every such order so served upon it, and to do everything necessary or proper in order to secure absolute compliance with and observance of every such order by all its officers, agents and employees. The commission shall have power by order to require any two or more common carriers or railroad corporations whose lines, owned, operated, controlled or leased, form a continuous line of transportation or could be made to do so by the construction and maintenance of switch connection, to establish through routes and joint rates, fares and charges for the transportation of passengers, freight and property within the state as the commission may, by its order, designate; and in case such through routes and joint rates be not established by the common carriers or railroad corporations named in any such order within the time therein specified, the commission shall establish just and reasonable rates, fares and charges to be charged for such through transportation, and declare the portion thereof to which each common carrier or railroad corporation affected thereby shall be entitled and the manner in which the same shall be paid and secured.

§ 50. Power of commissions to order repairs or changes.—If, in the judgment of the commission having jurisdiction, repairs or improvements to or changes in any tracks, switches, terminals or terminal facilities, motive power, or any other property or device used by any common carrier, railroad corporation or street railroad

corporation in or in connection with the transportation of passengers, freight or property ought reasonably to be made, or that any additions should reasonably be made thereto, in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for the transportation of passengers, freight or property, the commission shall, after a hearing either on its own motion or after complaint, make and serve an order directing such repairs, improvements, changes or additions to be made within a reasonable time and in a manner to be specified therein, and every common carrier, railroad corporation and street railroad corporation is hereby required and directed to make all repairs, improvements, changes and additions required of it by any order of the commission served upon it.

§ 51. Power of commissions to order changes in time schedules; running of additional cars and trains.— If, in the judgment of the commission having jurisdiction, any railroad corporation or street railroad corporation does not run trains enough or cars enough or possess or operate motive power enough, reasonably to accommodate the traffic, passenger and freight, transported by or offered for transportation to it, or does not run its trains or cars with sufficient frequency or at a reasonable or proper time having regard to safety, or does not run any train or trains, car or cars, upon a reasonable time schedule for the run, the commission shall, after a hearing either on its own motion or after complaint, have power to make an order directing any such railroad corporation or street railroad corporation to increase the number of its trains or of its cars or its motive power or to change the time for starting its trains or cars or to change the time schedule for the run of any train or car or make any other suitable order that the commission may determine reasonably necessary to accommodate and transport the traffic, passenger or freight, transported or offered for transportation.

§ 52. Uniform system of accounts; access to accounts, etc.; forfeitures.— Each commission may, whenever it deems advisable, establish a uniform system of accounts to be used by railroad and street railroad corporations or other common carriers which are subject to its supervision, and may prescribe the manner in which such accounts shall be kept. It

may also in its discretion prescribe the forms of accounts, records and memoranda to be kept by such corporations, including the accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of moneys. The system of accounts established by the commission and the forms of accounts, records and memoranda prescribed by it as provided above shall conform as near as may be to those from time to time established and prescribed by the interstate commerce commission under the provisions of the act of congress entitled "An act to regulate commerce" approved February fourth, eighteen hundred and eighty-seven, as amended by the **act approved June twenty-ninth, nineteen hundred and six, and amendments thereto.** The commission shall at all times have access to all accounts, records and memoranda kept by railroad and street railroad corporations and may prescribe the accounts in which particular outlays and receipts shall be entered, and may designate any of its officers or employees who shall thereupon have authority under the order of the commission to inspect and examine any and all accounts, records and memoranda kept by such corporations. Where the commission has prescribed the forms of accounts, records and memoranda to be kept by such corporations it shall be unlawful for them to keep any other accounts, records or memoranda than those so prescribed, or those prescribed by or under authority of the United States. Any employee or agent of the commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination except in so far as he may be directed by the commission, or by a court or judge thereof, or authorized by law, shall be guilty of a misdemeanor.

§ 53. **Franchises and privileges.**—No railroad corporation, street railroad corporation or common carrier shall begin the construction of a railroad, or any extension thereof, nor shall it exercise any franchise or right under any provision of the railroad law, or of any other law, not heretofore lawfully exercised, without first having obtained the permission and approval of the proper commission. The commission within whose district such construction is to be made, or within whose district such franchise or right is to be exercised, shall have power to grant the permission and approval herein specified whenever it shall after due hearing determine that such construction or such ex-

ercise of the franchise or privilege is necessary or convenient for the public service. And if such construction is to be made, or such franchise to be exercised in both districts, the approval of both commissions shall be secured.

§ 54. Transfer of franchises or stocks.— No franchise nor any right to, or under, any franchise, to own or operate a railroad or street railroad shall be assigned, transferred or leased, nor shall any contract or agreement with reference to or affecting any such franchise or right be valid or of any force or effect whatsoever, unless the assignment, transfer, lease, contract or agreement shall have been approved by the proper commission. The permission and approval of the commission, to the exercise of a franchise under section fifty-three, or to the assignment, transfer or lease of a franchise under this section shall not be construed to revive or validate any lapsed or invalid franchise, or to enlarge or add to the powers and privileges contained in the grant of any franchise.

No railroad corporation, or street railroad corporation, domestic or foreign, shall hereafter purchase or acquire, take or hold, any part of the capital stock of any railroad corporation or street railroad corporation or other common carrier organized or existing under or by virtue of the laws of this state, unless authorized so to do by the commission empowered by this act to give such consent; and save where stock shall be transferred or held for the purpose of collateral security only with the consent of the commission empowered by this act to give such consent, no stock corporation of any description, domestic or foreign, other than a railroad corporation or street railroad corporation, shall purchase or acquire, take or hold, more than ten per centum of the total capital stock issued by any railroad corporation or street railroad corporation or other common carrier organized or existing under or by virtue of the laws of this state. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired. Every contract, assignment, transfer or agreement for transfer of any stock by or through any person or corporation to any corporation, in violation of any provision of this act, shall be void and of no effect, and no such transfer or assignment shall be made upon the books of any such railroad corporation or street railroad corporation, or shall be recognized as effective for any purpose. The

power conferred by this section to approve or disapprove a transaction relating to franchises, rights or stock of any railroad corporation or street railroad corporation, or other common carrier, shall be exercised by the commission which is authorized by this act to approve the issue of stock by such railroad corporation or street railroad corporation.

§ 55. **Approval of issues of stock, bonds and other forms of indebtedness.**— A common carrier, railroad corporation or street railroad corporation organized or existing, or hereafter incorporated, under or by virtue of the laws of the state of New York, may issue stocks, bonds, notes or other evidence of indebtedness payable at periods of more than twelve months after the date thereof, when necessary for the acquisition of property, the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service or for the discharge or lawful refunding of its obligations, provided and not otherwise that there shall have been secured from the proper commission an order authorizing such issue, and the amount thereof and stating that, in the opinion of the commission, the use of the capital to be secured by the issue of such stock, bonds, notes or other evidence of indebtedness is reasonably required for the said purposes of the corporation. For the purpose of enabling it to determine whether it should issue such an order, the commission shall make such inquiry or investigation, hold such hearings and examine such witness, books, papers, documents or contracts as it may deem of importance in enabling it to reach a determination. Such common carrier, railroad corporation or street railroad corporation may issue notes, for proper corporate purposes and not in violation of any provision of this or any other act, payable at periods of less than twelve months without such consent, but no such notes shall, in whole or in part, directly or indirectly be refunded by any issue of stock or bonds or by any evidence of indebtedness running for more than twelve months without the consent of the proper commission. Provided, however, that the commission shall have no power to authorize the capitalization of any franchise to be a corporation or to authorize the capitalization of any franchise or the right to own, operate or enjoy any franchise whatsoever in excess of the amount (exclusive of any tax on annual charge) actually paid to the state or to a political subdivision thereof as the consideration for the

grant of such franchise or right; nor shall the capital stock of a corporation formed by the merger or consolidation of two or more other corporations, exceed the sum of the capital stock of the corporations so consolidated, at the par value thereof, or such sum and any additional sum actually paid in cash; nor shall any contract for consolidation or lease be capitalized in the stock of any corporation whatever; nor shall any corporation hereafter issue any bonds against or as a lien upon any contract for consolidation or merger. Whenever it shall happen that any railroad corporation shall own or operate its lines in both districts it shall, under this section, apply to the commission in the second district. Whenever it shall happen that any street railroad corporation shall own or operate its lines in both districts, it shall, under this section, apply to the commission in the first district. Any other common carrier not operating exclusively in the first district shall apply to the commission in the second district.

§ 56. **Forfeiture; penalties.**—1. Every common carrier, railroad corporation and street railroad corporation and all officers, and agents of any common carrier, railroad corporation or street railroad corporation shall obey, observe and comply with every order made by the commission, under authority of this act, so long as the same shall be and remain in force. Any common carrier, railroad corporation or street railroad corporation which shall violate any provision of this act, or which fails, omits or neglects to obey, observe or comply with any order or any direction or requirement of the commission, shall forfeit to the people of the state of New York not to exceed the sum of five thousand dollars for each and every offense; every violation of any such order or direction or requirement, or of this act, shall be a separate and distinct offense, and, in case of a continuing violation, every day's continuance thereof shall be and be deemed to be a separate and distinct offense.

2. Every officer and agent of any such common carrier or corporation who shall violate, or who procures, aids or abets any violation by any such common carrier or corporation of, any provision of this act, or who shall fail to obey, observe and comply with any order of the commission or any provision of an order of the commission, or who procures, aids or abets any such common carrier or corporation in its failure to obey, observe and comply with any such order or provision, shall be guilty of a misdemeanor.

§ 57. **Summary proceedings.**— Whenever either commission shall be of opinion that a common carrier, railroad corporation or street railroad corporation subject to its supervision is failing or omitting or about to fail or omit to do anything required of it by law or by order of the commission, or is doing anything or about to do anything or permitting anything or about to permit anything to be done, contrary to or in violation of law or of any order of the commission, it shall direct counsel to the commission to commence an action or proceeding in the supreme court of the state of New York in the name of the commission for the purpose of having such violations or threatened violations stopped and prevented either by mandamus or injunction. Counsel to the commission shall thereupon begin such action or proceeding by a petition to the supreme court alleging the violation complained of and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify the time, not exceeding twenty days after service of a copy of the petition, within which the common carrier, railroad corporation or street railroad corporation complained of must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct without other or formal pleadings, and without respect to any technical requirement. Such other persons or corporations as the court shall deem necessary or proper to join as parties in order to make its order, judgment or writs effective, may be joined as parties upon application of counsel to the commission. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that a writ of mandamus or an injunction or both issue as prayed for in the petition or in such modified or other form as the court may determine will afford appropriate relief.

§ 58. **Penalties for other than common carriers.**— 1. Any corporation, other than a common carrier, railroad corporation or street railroad corporation, which shall violate any provision of this act, or shall fail to obey, observe and comply with every order made by the commission under authority of this act, so long as the same shall be and remain in force, shall forfeit to the people of the state of New York a sum not exceeding one thousand

dollars for each and every offense; every such violation shall be a separate and distinct offense, and the penalty or forfeiture thereof shall be recovered in an action as provided in section sixty of this act.

2. Every person who, either individually or acting as an officer or agent of a corporation other than a common carrier, railroad corporation or street railroad corporation, shall violate any provision of this act or fail to obey, observe or comply with any order made by the commission under this act, so long as the same shall be or remain in force, or who shall procure, aid or abet any such corporation in its violation of this act or in its failure to obey, observe or comply with any such order, shall be guilty of a misdemeanor.

3. In construing and enforcing the provision of this act relating to forfeitures and penalties the act of any director, officer or other person acting for or employed by any common carrier, railroad corporation, street railroad corporation or corporation, acting within the scope of his official duties or employment, shall be in every case and be deemed to be the act of such common carrier, railroad corporation, street railroad corporation or corporation.

§ 59. Action to recover penalties or forfeitures.—An action to recover for a penalty or a forfeiture under this act may be brought in any court of competent jurisdiction in this state in the name of the people of the state of New York, and shall be commenced and prosecuted to final judgment by counsel to the commission. In any such action all penalties and forfeitures incurred up to the time of commencing the same may be sued for and recovered therein, and the commencement of an action to recover a penalty or forfeiture shall not be, or be held to be, a waiver of the right to recover any other penalty or forfeiture; if the defendant in such action shall prove that during any portion of the time for which it is sought to recover penalties or forfeitures for a violation of an order of the commission the defendant was actually and in good faith prosecuting a suit, action or proceeding in the courts to set aside such order, the court shall remit the penalties or forfeitures incurred during the pendency of such suit, action or proceeding. All moneys recovered in any such action, together with the costs thereof, shall be paid into the state treasury to the credit of the general fund.

§ 60. Duties of commissions as to interstate traffic.— Either commission may investigate freight rates on interstate traffic on railroads within the state, and when such rates are, in the opinion of either commission, excessive or discriminatory or are levied or laid in violation of the interstate commerce law, or in conflict with the rulings, orders or regulations of the interstate commerce commission, the commission may apply by petition to the interstate commerce commission for relief or may present to the interstate commerce commission all facts coming to its knowledge, as to violations of the rulings, orders, or regulations of that commission or as to violations of the interstate commerce law.

ARTICLE IV.

PROVISIONS RELATING TO GAS AND ELECTRIC CORPORATIONS; REGULATION OF PRICE OF GAS AND ELECTRICITY.

Section 65. Application of article.

66. General powers of commissions in respect to gas and electricity.
67. Inspection of gas and electric meters.
68. Approval of incorporation and franchises; certificate.
69. Approval of issue of stock, bonds and other forms of indebtedness.
70. Approval of transfer of franchise.
71. Complaints as to quality and price of gas and electricity; investigation by commission; forms of complaints.
72. Notice and hearing; order fixing price of gas or electricity, or requiring improvements.
73. Forfeiture for noncompliance with order.
74. Summary proceedings.
75. Defence in case of excessive charge for gas or electricity.
76. Jurisdiction.
77. Powers of local officers.

§ 65. Application of article.— This article shall apply to the manufacture and furnishing of gas for light, heat or power and the furnishing of natural gas for light, heat or power, and the generation, furnishing and transmission of electricity for light, heat or power.

§ 66. **General powers of commissions in respect to gas and electricity.**— Each commission shall within its jurisdiction:

1. Have the general supervision of all persons and corporations having authority under any general or special law or under any charter or franchise to lay down, erect or maintain wires, pipes, conduits, ducts or other fixtures in, over or under the streets, highways and public places of any municipality, for the purpose of furnishing or distributing gas or of furnishing or transmitting electricity for light, heat or power, or maintaining underground conduits or ducts for electrical conductors.

2. Investigate and ascertain, from time to time, the quality of gas supplied by persons, corporations and municipalities; examine the methods employed by such persons, corporations and municipalities in manufacturing and supplying gas or electricity for light, heat or power and in transmitting the same, and have power to order such improvements as will best promote the public interest, preserve the public health and protect those using such gas or electricity and those employed in the manufacture and distribution thereof, or in the maintenance and operation of the works, wires, poles, lines, conduits, ducts and systems maintained in connection therewith.

3. Have power to fix the standard of illuminating power and purity of gas, not less than that prescribed by law, to be manufactured or sold by persons, corporations or municipalities for lighting, heating or power purposes, and to prescribe methods of regulation of the electric supply system as to the use for incandescent lighting and fix the initial efficiency of incandescent lamps furnished by the persons, corporations or municipalities generating and selling electric current for lighting, and by order to require the gas so manufactured or sold to equal the standard so fixed by it, and to establish the regulations as to pressure at which gas shall be delivered. For the purpose of determining whether the gas sold by such persons, corporations or municipalities for lighting, heating or power purposes conforms to the standard of illuminating power and purity and, of its own motion, examine and investigate the methods employed in manufacturing, delivering and supplying the gas so sold, and shall have access through its members or persons employed in manufacturing, delivering and supplying the gas so sold, and au-

thorized by it to make such examinations and investigations to all parts of the manufacturing plants owned, used or operated for the manufacture or distribution of gas by any such person, corporation or municipality. Any employee or agent of the commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination, except in so far as he may be directed by the commission, or by a court or judge thereof, or authorized by law, shall be guilty of a misdemeanor.

4. Have power, in its discretion, to prescribe uniform methods of keeping accounts, records and books, to be observed by the persons, corporations and municipalities engaged in the manufacture, sale and distribution of gas and electricity for light, heat or power.

5. Examine all persons, corporations and municipalities under its supervision, keep informed as to the methods employed by them in the transaction of their business and see that their property is maintained and operated for the security and accommodation of the public and in compliance with the provisions of law and of their franchises and charters.

6. Require every person and corporation under its supervision to submit to it an annual report, verified by the oath of the president, treasurer, or general manager thereof, showing in detail (1) the amount of its authorized capital stock and the amount thereof issued and outstanding; (2) the amount of its authorized bonded indebtedness and the amount of its bonds and other forms of evidence of indebtedness issued and outstanding; (3) its receipts and expenditures during the preceding year; (4) the amount paid as dividends upon its stock and as interest upon its bonds; (5) the name of, and the amount paid as salary to each officer and the amount paid as wages to its employees; (6) the location of its plant or plants and system, with a full description of its property and franchises, stating in detail how each franchise stated to be owned was acquired, and (7) such other facts pertaining to the operation and maintenance of the plant and system, and the affairs of such person or corporation as may be required by the commission. Such reports shall be in the form, cover the period and be submitted at the time prescribed by the commission. The commission may, from time to time, make changes and additions in such forms, giving to the persons, corporations and municipalities six months' notice before the time fixed by the commission as the

expiration of the fiscal year of any changes or additions which would require any alteration in the method or form of keeping their accounts for the ensuing year. When any such report is defective or believed to be erroneous, the commission shall notify the person, corporation or municipality making such report to amend the same within **thirty days**. **Any** such person or corporation or municipality which shall neglect to make any such report within the time specified by the commission, or which shall fail to correct any such report within thirty days after notice, shall be liable to a penalty of one hundred dollars and an additional penalty of one hundred dollars for each day after the prescribed time for which it shall neglect to file or correct the same, to be sued for in the name of the people of the state of New York. The amount recovered in any such action shall be paid into the state treasury and be credited to the general fund. The commission may extend the time herein limited for cause shown.

7. Require each municipality engaged in operating any works or systems for the manufacture and supplying of gas or electricity to make an annual report to the commission, verified by the oath of the general manager or superintendent thereof, showing in detail, (1) the amount of its authorized bonded indebtedness and the amount of its bonds and other forms of evidence of indebtedness issued and outstanding for lighting purposes, (2) its receipts and expenditures during the preceding year, (3) the amount paid as interest upon its bonds and upon other forms of evidence of indebtedness, (4) the name of and the amount paid to each person receiving a yearly or monthly salary, and the amount paid as wages to employees, (5) the location of its plant and system with a full description of the property, and (6) such other facts pertaining to the operation and maintenance of the plant and system, as may be required by the commission. Such report shall be in the form, cover the period and be submitted at the time prescribed by the commission.

8. Have power, either through its members or inspectors or employees duly authorized by it, to enter in or upon and to inspect the property, buildings, plants, factories, power houses and offices of any of such corporations, persons or municipalities.

9. Have power to examine the books and affairs of any such corporation, persons or municipalities, and to compel the production

before it of books and papers pertaining to the affairs being investigated by it.

10. Have power, either as a commission or through its members, or secretary, to subpoena witnesses, take testimony and administer oaths to witnesses in any proceeding or examination instituted before it, or conducted by it in reference to any matter within its jurisdiction under this article.

§ 67. **Inspection of gas and electric meters.**—1. Each commission shall appoint inspectors of gas and electric meters whose duty it shall be when required, to inspect, examine, prove and ascertain the accuracy of any and all gas meters used or intended to be used for measuring or ascertaining the quantity of illuminating or fuel gas or natural gas furnished by any gas corporation to or for the use of any person and any and all electric meters used or intended to be used for measuring and ascertaining the quantity of electric current furnished for light, heat and power by any electric corporation to or for the use of any person or persons and when found to be or made to be correct, the inspector shall stamp or mark all such meters and each of them with some suitable device, which device shall be recorded in the office of the secretary of state.

2. No corporation or person shall furnish or put in use any gas meter which shall not have been inspected, proved and sealed, or any electric meter which shall not have been inspected, approved, stamped or marked by an inspector of the commission. Every gas and electric corporation shall provide or keep in and upon its premises a suitable and proper apparatus, to be approved and stamped or marked by the commission, for testing and proving the accuracy of gas and electric meters furnished for use by it, and by which apparatus every meter may and shall be tested, on the written request of the consumer to whom the same shall be furnished, and in his presence if he desires it.

If any consumer to whom a meter has been furnished, shall request the commission in writing to inspect such meter, the commission shall have the same inspected and tested; if the same on being so tested shall be found to be, four per cent. if an electric meter, or two per cent. if a gas meter, defective or incorrect to the prejudice of the consumer, the inspector shall order the gas or electric corporation to forthwith remove the same and to place instead thereof a correct meter, and the expense of such inspection

and test shall be borne by the corporation; if the same on being so tested shall be found to be correct the expense of such inspection and test shall be borne by the consumer. A uniform reasonable charge shall be fixed by the commission for this service.

§ 68. Approval of incorporation and franchises; certificate.—

No gas corporation or electrical corporation incorporated under the laws of this or any other state shall begin construction, or exercise any right or privilege under any franchise hereafter granted, or under any franchise heretofore granted but not heretofore actually exercised without first having obtained the permission and approval of the proper commission. Before such certificate shall be issued a certified copy of the charter of such corporation shall be filed in the office of the commission, together with a verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities. No municipality shall build, maintain and operate for other than municipal purposes any works or systems for the manufacture and supplying of gas or electricity for lighting purposes without a certificate of authority granted by the commission. If the certificate of authority is refused, no further proceedings shall be taken before the commission, but a new application may be made therefor after one year from the date of such refusal.

§ 69. Approval of issues of stock, bonds and other forms of indebtedness for capital account.—A gas corporation or electrical corporation organized or existing, or hereafter incorporated, under or by virtue of the laws of the state of New York, may issue stocks, bonds, notes or other evidence of indebtedness payable at periods of more than twelve months after the date thereof, when necessary for the acquisition of property, the construction, completion, extension or improvement of its plant or distributing system, or for the improvement or maintenance of its service or for the discharge or lawful refunding of its obligations, provided and not otherwise that there shall have been secured from the proper commission an order authorizing such issue, and the amount thereof, and stating that, in the opinion of the commission, the use of the capital to be secured by the issue of such stock, bonds, notes or other evidence of indebtedness is reasonably required for the said purposes of the corporation. For the purpose of enabling it to determine whether or not it should issue such an order, the commission shall make such inquiry or investi-

gation, hold such hearings and examine such witnesses, books, papers, documents or contracts as it may deem of importance in enabling it to reach a determination. Such gas corporation or electrical corporation may issue notes, for proper corporate purposes and not in violation of any provision of this or of any other act, payable at periods of less than twelve months without such consent; but no such notes shall, in whole or in part, directly or indirectly be refunded by any issue of stock or bonds or by any evidence of indebtedness running for more than twelve months without the consent of the proper commission. Provided, however, that the commission shall have no power to authorize the capitalization of any franchise to be a corporation or to authorize the capitalization of any franchise or the right to own, operate or enjoy any franchise whatsoever in excess of the amount (exclusive of any tax or annual charge) actually paid to the state or to any political subdivision thereof as the consideration for the grant of such franchise or right. Nor shall the capital stock of a corporation formed by the merger or consolidation of two or more other corporations, exceed the sum of the capital stock of the corporations, so consolidated, at the par value thereof, or such sum and any additional sum actually paid in cash; nor shall any contract for consolidation or lease be capitalized in the stock of any corporation whatever; nor shall any corporation hereafter issue any bonds against or as a lien upon any contract for consolidation or merger.

§ 70. **Approval of transfer of franchise.**— No gas corporation or electric corporation shall transfer or lease its franchise, works or system or any part of such franchise, works or system to any other person or corporation or contract for the operation of its works and system, without the written consent of the proper commission. The permission and approval of the commission, to the exercise of a franchise under section sixty-eight of this act, or to the assignment, transfer or lease of a franchise under this section shall not be construed to revive or validate any lapsed or invalid franchise or to enlarge or add to the powers and privileges contained in the grant of any franchise. No such corporation shall directly or indirectly acquire the stock or bonds of any other corporation incorporated for, or engaged in, the same or a similar business, or proposing to operate or operating under a franchise from the same or any other municipality, unless authorized so to do by the commission. Save where

stock shall be transferred or held for the purpose of collateral security only with the consent of the commission empowered by this act to give such consent, no stock corporation of any description, domestic or foreign, other than a gas or electric corporation, shall purchase or acquire, take or hold, more than ten per centum of the total capital stock issued by any gas corporation or electric corporation organized or existing under or by virtue of the laws of this state. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired. Every contract, assignment, transfer or agreement to any corporation, in violation of any provision of this act, shall be void and of no effect, and no such transfer or assignment shall be made upon the books of any such gas corporation, or electric corporation, or shall be recognized as effective for any purpose.

§ 71. **Complaints as to quality and price of gas and electricity; investigation by commission; forms of complaints.**—Upon the complaint in writing of the mayor of a city, the trustees of a village or the town board of a town in which a person or corporation is authorized to manufacture, sell or supply gas or electricity for heat, light or power, or upon the complaint in writing of not less than one hundred customers or purchasers of such gas or electricity in cities of the first or second class, or of not less than fifty in cities of the third class, or of not less than twenty-five elsewhere, either as to the illuminating power, purity, pressure or price of gas or the initial efficiency of the electric incandescent lamp supply, or the regulation of the voltage of the supply system used for incandescent lighting, or price of electricity sold and delivered in such municipality, the proper commission shall investigate as to the cause for such complaint. When such complaint is made, the commission may, by its agents, examiners and inspectors, inspect the works, system, plant and methods used by such person or corporation in manufacturing, transmitting and supplying such gas or electricity, and may examine or cause to be examined the books and papers of such person or corporation pertaining to the manufacture, sale, transmitting and supplying of such gas or electricity. The form and contents of complaints made as provided in this section shall be prescribed by the commission. Such complaints shall be signed by the officers, or by the customers, purchasers or subscribers making them, who must add to their signatures their places of residence, by street and number, if any.

§ 72. Notice and hearing; order fixing price of gas or electricity, or requiring improvement.— Before proceeding under a complaint presented as provided in section seventy-one, the commission shall cause notice of such complaint, and the purpose thereof, to be served upon the person or corporation affected thereby. Such person or corporation shall have an opportunity to be heard in respect to the matters complained of at a time and place to be specified in such notice. If an investigation be instituted upon motion of the commission the person or corporation affected by the investigation may be permitted to appear before the commission at a time and place specified in the notice and answer all charges which may be preferred by the commission. After a hearing and after such investigation as may have been made by the commission or its officers, agents, examiners or inspectors, the commission within lawful limits may, by order, fix the maximum price of gas or electricity to be charged by such corporation or person, or may order such improvement in the manufacture or supply of such gas, in the manufacture, transmission or supply of such electricity, or in the methods employed by such person or corporation, as will in its judgment improve the service. The price so fixed by the commission shall be the maximum price to be charged by such person or corporation for gas or electricity in such municipality until the commission shall upon complaint as provided in this section or upon an investigation conducted by it on its own motion, again fix the maximum price of such gas or electricity. In determining the price to be charged for gas or electricity the commission may consider all facts which in its judgment have any bearing upon a proper determination of the question although not set forth in the complaint and not within the allegations contained therein.

§ 73. Forfeiture for noncompliance with order.— Every gas corporation and electric corporation and the officers, agents or employees thereof shall obey, observe and comply with every order made by the commission under authority of this act, so long as the same shall be and remain in force. Any such corporation, or any officer, agent or employee thereof, who knowingly fails or neglects to obey or comply with such order, or any provision of this act, shall forfeit to the state of New York not to exceed the sum of one thousand dollars for each offense. Every distinct violation of any such order or of this act, shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense. An action to recover such for-

feiture may be brought in any court of competent jurisdiction in this state in the name of the people of the state of New York, and shall be commenced and prosecuted to final judgment by counsel to the commission. In any such action all penalties and forfeitures incurred up to the time of commencing the same may be sued for and recovered therein, and the commencement of an action to recover a penalty or forfeiture shall not be, or be held to be, a waiver of the right to recover any other penalty or forfeiture; if the defendant in such action shall prove that during any portion of the time for which it is sought to recover penalties or forfeitures for a violation of an order of the commission the defendant was actually and in good faith prosecuting the suit, action or proceeding in the courts to set aside such order, the court shall remit the penalties or forfeitures incurred during the pendency of such suit, action or proceeding. All moneys recovered in any such action, together with the costs thereof, shall be paid into the state treasury to the credit of the general fund.

§ 74. **Summary proceedings.**—Whenever either commission shall be of opinion that a gas corporation, electric corporation or municipality within its jurisdiction is failing or omitting or about to fail or omit to do anything required of it by law or by order of the commission or is doing anything or about to do anything or permitting anything or about to permit anything to be done, contrary to or in violation of law or of any order of the commission, it shall direct counsel to the commission to commence an action or proceeding in the supreme court of the state of New York in the name of the commission for the purpose of having such violations or threatened violations stopped and prevented either by mandamus or injunction. Counsel to the commission shall thereupon begin such action or proceeding by a petition to the supreme court alleging the violation complained of and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify the time not exceeding twenty days after service of a copy of the petition within which the gas corporation, electric corporation or municipality complained of must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct without other or formal pleadings, and without respect to any technical requirement. Such other persons or cor-

porations, as it shall seem to the court necessary or proper to join as parties in order to make its order, judgment or writs effective, may be joined as parties upon application of counsel to the commission. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that a writ of mandamus or an injunction or both issue as prayed for in the petition or in such modified or other form as the court may determine will afford the appropriate relief.

§ 75. **Defense in case of excessive charges for gas or electricity.**— If it be alleged and established in an action brought in any court for the collection of any charge for gas or electricity, that a price has been demanded in excess of that fixed by the commission or by statute in the municipality wherein the action arose, no recovery shall be had therein, but the fact that such excessive charges have been made shall be a complete defense to such action.

§ 76. **Jurisdiction.**— Whenever any corporation supplies gas or electricity to consumers in both districts, any application or report to a commission required by this act shall be made to the commission of the district within which it is mainly supplying, or proposing to supply, such service to consumers. But nothing herein contained shall be construed to deprive the commission of either district of the power of supervision and regulation within its district. And either commission shall have power to enter and inspect the plant of such corporation, wherever situated.

§ 77. **Powers of local officers.**— If in any city of the first or second class there now exists or shall hereafter be created a board, body or officer having jurisdiction of matters pertaining to gas or electric service, such board, body or officer shall have and may exercise such power, jurisdiction and authority in enforcing the laws of the state and the orders, rules and regulations of the commission as may be prescribed by statute or by the commission.

ARTICLE V.

COMMISSIONS AND OFFICES ABOLISHED; SAVING CLAUSE; REPEAL.

Section 80. Board of railroad commissioners abolished; effect thereof.

81. Commission of gas and electricity abolished; effect thereof.

82. Inspector of gas meters abolished; effect thereof.

Section 83. Board of rapid transit railroad commissioners abolished; effect thereof.

84. Transfer of records.

85. Pending actions and proceedings.

86. Construction.

87. Repeal.

88. Appropriation.

89. Time of taking effect.

§ 80. Board of railroad commissioners abolished; effect thereof.— On and after the taking effect of this act the board of railroad commissioners shall be abolished. All the powers and duties of such board conferred and imposed by any statute of this state shall thereupon be exercised and performed by the public service commissions.

§ 81. Commission of gas and electricity abolished; effect thereof.— On and after the taking effect of this act the commission of gas and electricity shall be abolished. All the powers and duties of such commission conferred and imposed by any statute of this state shall be exercised and performed by the public service commissions.

§ 82. Inspector of gas meters abolished; effect thereof.— On and after the taking effect of this act the offices of inspector and deputy inspectors of gas meters shall be abolished. All the powers and duties of such inspector conferred and imposed by any statute of this state shall be exercised and performed by the public service commissions. But any meter inspected, proved and sealed, by the said inspector of gas meters, prior to the taking effect of this act, shall be deemed to have been inspected by the commission.

§ 83. Board of rapid transit railroad commissioners abolished; effect thereof.— On and after the taking effect of this act the board of rapid transit railroad commissioners shall be abolished. All the powers and duties of such board conferred and imposed by any statute of this state shall thereupon be exercised and performed by the public service commission of the first district.

§ 84. Transfer of records.— 1. The board of railroad commissioners, the commission of gas and electricity, and the inspector of gas meters, shall transfer and deliver to the public service commission of the second district all books, maps, papers and records of whatever description, now in their possession; and upon taking

effect of this act, the said commission is authorized to take possession of all such books, maps, papers and records.

2. The board of rapid transit railroad commissioners shall transfer and deliver to the public service commission of the first district all contracts, books, maps, plans, papers and records of whatever description, now in their possession; and upon taking effect of this act, the said commission is authorized to take possession of all such contracts, books, maps, plans, papers and records.

§ 85. **Pending actions and proceedings.**— This act shall not affect pending actions or proceedings, civil or criminal, brought by or against the board of railroad commissioners or the commission of gas and electricity, or the board of rapid transit railroad commissioners, but the same may be prosecuted or defended in the name of the public service commission, provided the subject-matter thereof is within the statutory jurisdiction of such commission. Any investigation, examination or proceeding undertaken, commenced or instituted by the said boards or commission or either of them prior to the taking effect of this act may be conducted and continued to a final determination by the proper public service commission in the same manner under the same terms and conditions, and with the same effect as though such boards or commission had not been abolished.

§ 86. **Construction.**— Wherever the terms board of railroad commissioners, or commission of gas and electricity or inspector of gas meters or board of rapid transit railroad commissioners occur in any law, contract or document or whenever in any law, contract or document reference is made to such boards, commission or inspector, such terms or reference shall be deemed to refer to and include the public service commissions as established by this act, so far as such law, contract or document pertains to matters which are within the jurisdiction of the said public service commissions. Nothing in this act contained shall be deemed to apply to or operate upon interstate or foreign commerce.

§ 87. **Repeal.**— The following acts and parts of acts, together with all other acts amendatory of such acts, and all acts and parts of acts otherwise in conflict with this act, are hereby repealed;

Laws of 1905, chapter 737.

Laws of 1905, chapter 728.

Laws of 1904, chapter 158.

Laws of 1902, chapter 373.

Laws of 1896, chapter 456.

Laws of 1894, chapter 452.

Laws of 1892, chapter 534.

Laws of 1891, chapter 4, sections 1, 2 and 3.

Laws of 1890, chapter 565, sections 150 to 172 inclusive.

Laws of 1890, chapter 566, sections 62, 63 and 64.

§ 88. **Appropriation.**— There shall be appropriated for the use of the commissions, and for the payment of salaries and disbursements under this act, from money not otherwise appropriated, the sum of three hundred thousand dollars, or so much thereof as may be necessary.

§ 89. **Time of taking effect.**— This act shall take effect July first, nineteen hundred and seven.

(No. 36.)

AN ACT to amend the code of civil procedure, in relation to the city court of the city of New York; increase of the number of justices; salaries of justices; the duties of the justices relating to the appointment and removal of clerks, attendants, et cetera, and their duties, and reference to other matters pertaining to the administration of the court.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections three hundred and twenty, three hundred and twenty-eight, three hundred and thirty-two, three hundred and thirty-three, three hundred and thirty-four, and thirty-one hundred and fifty-nine of the code of civil procedure, are hereby amended to read, respectively, as follows:

§ 320. **Justices; their general duties.**— The court consists of [six] ten justices, one of whom is the chief justice of the court. Each justice must perform his share of the labors and duties appertaining to the office. One of the justices must attend at the chambers of the court, from ten o'clock in the morning until four o'clock in the afternoon of each day, except Sunday, a public holi-

day, or a day upon which the inhabitants of the city of New York generally refrain from business. Each justice, while in the rooms of the court, and not actually engaged in the performance of other official duties, must act upon any application for his official action, properly made to him. The justice, assigned to a trial term or a special term, must remain in attendance, until the day calendar is disposed of, or for such other time as is reasonable.

§ 328. Clerk, deputy clerk [and] assistants and justices' clerks, stenographers, interpreters and attendants.—The court has a clerk, who is appointed, and may be removed, [at pleasure,] by the justices thereof, or a majority of them for cause upon charges and after a hearing after notice, and who shall receive a salary of six thousand dollars per annum. He must, by a written instrument under his hand, filed in his office, appoint, and may at pleasure remove, four deputy clerks and not more than twelve assistants. The clerk is responsible for the faithful discharge of his duty by each deputy clerk, and each assistant. Each deputy clerk, and each assistant, is entitled to a salary, fixed and to be paid as prescribed by law.

§ 332. Stenographers.—The clerk of the court must appoint six stenographers of the court, and may at pleasure remove either of them. The justices of the court, or a majority of them, must, from time to time, assign each of the stenographers to duty at the trial or special terms. Each stenographer is entitled to a salary, fixed and to be paid as prescribed by law [He must] and the stenographer must attend [each] the term to which he is assigned.

§ 333. Official oath; interpreters.—The clerk of the court, from time to time, must appoint, and may at pleasure remove, an official interpreter of the court, who is entitled to a salary, fixed and to be paid as prescribed by law. Before entering upon [his] their official duties [he] such assistant clerks, stenographers, interpreters and attendants must subscribe and file in the office of the clerk of the city [and county] of New York, the constitutional oath of office. [He] Each interpreter must attend any trial or special term of the court, where his services are required; [and the justices of the court, or a majority of them, may, by order, regulate his attendance.] and the justice therein presiding shall regulate his attendance thereat.

§ 334. Idem; penalty for misconduct.—If [the] and official interpreter knowingly and wilfully, falsely interprets any evi-

dence, matter or thing, between a witness and the court, or a justice thereof, in the course of an action or special proceeding, he is guilty of perjury.

§ 3159. Provisions, applying generally to courts of record, subject to certain qualifications.—Each of the foregoing provisions of this act, which is made, by chapter twenty-second of this act, applicable to the [marine] city court of the city of New York, or generally to courts of record, is subject to the qualifications and exceptions expressed or plainly implied in this title.

§ 2. Section thirty-one hundred and sixty-seven of the code of civil procedure is hereby repealed.

§ 3. At the general election to be held on the first Tuesday after the first Monday of November, nineteen hundred and seven, three additional justices of the city court of the city of New York shall be elected and hold office for ten years from the first day of January succeeding their election. Their and each of their successors shall be elected for a term of ten years. Upon the taking effect of this act three justices shall be appointed by the governor to hold office until January first, nineteen hundred and eight.

§ 4. On and after the passage of this act the annual salary of each justice of the city court of the city of New York shall be twelve thousand dollars.

§ 5. The commissioners of the sinking fund shall secure by providing, renting, purchasing, or by the purchase of a plot of ground and erecting a building thereon, suitable rooms for the use of the city court of the city of New York. The officers, boards, departments or other proper authorities of the city of New York having such duties to perform shall provide suitable furniture, books, blanks, stationery and other articles necessary for the use of the said court and of the justices thereof.

§ 6. The comptroller of the city of New York without the concurrence of any other board or body shall make provision for the payment of the salaries herein provided for, of the additional justices, deputy clerks, assistant clerks, stenographers, interpreters and attendants herein provided for by the sale of special revenue bonds and such salaries shall be paid in the same manner as salaries of the justices and employees of said court are now paid; and the board of estimate and apportionment shall annually include in the budget such sums as may be necessary to pay such salaries.

§ 7. There shall be published by the proper authorities at the time and in the manner provided for by law for the notices of election of offices to be filled at the general election held in the city and county of New York, notices for the election of the three additional justices of the city court of the city of New York, herein provided for, as well as the other officers who are to be elected at the same time at the same election. The officers, boards, departments or other proper authorities of the city of New York having such duties to perform, shall make provision for the election of the said additional justices, for the payment of the expenses of the said court made necessary by this act, and shall provide suitable quarters for said additional justices and places for holding additional terms of said court which expense shall be borne and paid in the manner now provided by law in relation to the said court.

§ 8. This act shall take effect immediately.

(No. 37.)

AN ACT in relation to public printing in Clinton county.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. In respect to all bills and claims for the actual publication of the proceedings of the board of supervisors of the county of Clinton, or of such other matters and proceedings of said board of a public nature, or of the public officers of said county, or in relation thereto, as shall have been actually published by any newspaper of said county under designation of or authority from said board, and in respect to all bills and claims for the actual publication of notices of a legal nature caused to be so published by a county officer of said county, which shall have been audited by said board in good faith at a just and fair compensation for the work actually done by the claimant, the audits of said board are hereby confirmed and legalized.

§ 2. This act shall take effect immediately.

(No. 38.)

AN ACT in relation to gas and electricity in the city of Syracuse.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Commissioner of public safety.—The commissioner of public safety of the city of Syracuse shall, in addition to his other powers and duties, have the jurisdiction, power and authority conferred and be charged with the performance of the duties imposed by the provisions of this act in relation to gas and electricity furnished or supplied for light, heat or power within said city. He may appoint, to assist in carrying out the provisions of this act, such subordinates as may be prescribed by the board of estimate and apportionment, who shall receive such salaries or compensation as shall be fixed and determined by said board. Such subordinates shall be deemed to be city officers of said city and shall be subject to all the provisions of law applicable to such city officers. The term "commissioner," whenever used in this act, shall mean the commissioner of public safety of the city of Syracuse.

§ 2. Powers and duties of the commissioner.—The commissioner shall:

(1) Have cognizance, authority, jurisdiction, supervision and control: Of the lighting of the streets, highways, parks, parkways, sidewalks and public places within the city and of all buildings and portions thereof owned or used by the city; of the enforcement and performance of any and all contracts and agreements relating to city lighting; of the number, selection, location and removal of city lights; and of the construction, care and maintenance of any and all property of the city used for or in connection with city lighting;

(2) Have power and authority: To investigate, test, examine and ascertain, from time to time, the pressure, illuminating power and purity of gas and the voltage, amperage, regulation and utilization of electric current or energy furnished or supplied for light, heat or power within the city; to investigate, examine, inspect, test, prove and ascertain the accuracy of meters or other devices used for measuring, ascertaining or determining the quantity of gas or amount of electrical energy furnished or supplied for light, heat or power within the city, provided, however, that no meter shall be disconnected or tested or the seal thereon broken except

upon reasonable notice to the owner thereof, and an opportunity afforded for such owner or a representative of such owner to be present when such disconnections or test is made or seal broken; to investigate and examine the ways and works, devices, agencies and systems used and methods employed in the manufacture, distribution, utilization and transmission of gas and electric current or energy for light, heat or power within the city;

(3) Have power and authority to institute and maintain all actions and proceedings necessary or proper: To enforce the provisions of this act, the statutes of the state and the ordinances of the common council relating to gas and electricity within the city; to secure the performance of any contract or agreement with the city for furnishing or supplying it with gas or electricity; and to enforce the orders, rules and regulations of the state commission of gas and electricity, or other state board or commission exercising like powers or functions within the state, relating to gas and electricity within the city, when so directed by such state board or commission;

(4) Make to the mayor and common council of the city and the state commission of gas and electricity or other board or commission exercising like powers or functions within the state, an annual report containing (1) the result of all examinations, investigations and tests conducted by the department; (2) such facts and explanations as will disclose the methods employed in the manufacture, sale and distribution of gas and electricity for light, heat or power within the city; (3) suggestions and recommendations as to the better protection of the public interests, health and property in the transaction of such business;

(5) Establish rules and regulations for the government of the business of the department, its officers and subordinates, in the exercise of the powers and duties within their jurisdiction;

(6) Have power and authority to incur such expenditures for experts or otherwise, as, in his discretion, he may deem advisable, within the appropriation made for the purpose of carrying out the provisions of this act and available for the payment of the expenses thereof.

§ 3. Price of gas.—No corporation, association, co-partnership or person engaged in the business of manufacturing, furnishing or selling illuminating or fuel gas shall charge for gas manufactured, furnished or sold within the city more than ninety-five cents per one thousand cubic feet.

§ 4. Illuminating power of gas.— The gas furnished or supplied by any such corporation, association, co-partnership or person shall have illuminating power as follows: if a coal gas, at least sixteen candles; if a mixed coal and water gas, at least eighteen candles; and if a carburetted water gas, at least twenty candles. A candle shall mean a sperm candle, six to a pound, burning at the rate of one hundred and twenty grains of spermaceti per hour. The test for illuminating power shall be made with gas obtained from a service pipe or main located at a distance of not less than one mile nor more than one and one-half miles from any distributing holder, using, for coal gas and mixed coal and water gas containing more than fifty per centum of coal gas, an F Argand burner, and for mixed coal and water gas containing fifty per centum and less of coal gas and for carburetted water gas a number seven slit union Bray burner, on a basis of consumption of five cubic feet of gas per hour.

§ 5. Purity of gas.— The gas furnished or supplied by any such corporation, association, co-partnership or person through a distributing or supply system shall be free from sulphuretted hydrogen, to be determined by exposing for thirty seconds a slip of white paper saturated with acetate of lead to a jet of gas flowing about five feet per hour, and each one hundred cubic feet shall not contain more than ten grains of ammonia nor twenty grains of sulphur.

§ 6. Pressure of gas.— The minimum pressure of gas so furnished or supplied which shall be permitted in any service main in the city shall be sufficient to balance a column of water one and one-half inches in height. The maximum pressure therein allowed shall be an amount sufficient to balance a column of water three and three-fourths inches in height, plus an allowance at the rate of one inch for variation of each one hundred feet of increase in altitude in the distributing system between the holder and the point of consumption, except that no maximum pressure is prescribed in service mains the pressure of gas from which is regulated by service governors, supplied and maintained without charge to consumers.

§ 7. Price and volume of illumination of electric arc street lamps.— No such corporation, association, co-partnership or person shall charge or receive from the city more than sixty-eight dollars per lamp per year for electric street arc lamps, together with proper inspection and necessary service for care and maintenance. Such lamps shall burn every night from dark to dawn,

with a total burning of four thousand hours per lamp per year. Each electric arc lamp used for street lighting purposes within the city, after the expiration of one year from the taking effect of this act, shall furnish a volume of illumination at least equal to the so-called two thousand candle power nominal series direct current constant current open arc lamp using not less than nine and six-tenths amperes of current and burning at from forty-five to forty-eight volts at the arc with one-half inch solid copper coated carbon.

§ 8. Price of incandescent lighting.—No such corporation, association, co-partnership or person shall charge or receive for electric current or energy sold or furnished within the said city for residential or commercial lighting more than nine cents per kilowatt hour of current or energy actually consumed, prior to October first, nineteen hundred and seven, and eight cents thereafter, including the furnishing of free lamp renewals for incandescent lighting, of the efficiency prescribed herein, to each consumer, upon request, whenever the initial candle power of a lamp has been reduced by service to less than eighty per centum of its rated initial candle power, provided, however, that a minimum charge not exceeding one dollar per month may be made for incandescent lighting service, but no charge shall be made for the placing or furnishing of any meter.

§ 9. Incandescent lamps and illumination.—Each electric incandescent lamp sold or furnished by any corporation, association, copartnership or person to a consumer shall have an initial efficiency such that the rate of consumption of energy shall be not more than three and one-half watts per mean horizontal candle power and each such lamp shall have marked thereon the voltage required to bring the lamp to its rated mean horizontal candle power. No incandescent lamp shall be sold or furnished to a consumer for his use, which shall require a voltage to bring it to its rated mean horizontal candle power that shall vary more than two per centum from the normal voltage maintained upon the supply circuit on which any such lamp is to be used and the voltage at any service cut out on any circuit on which any such lamp is to be used shall not have an average variation of more than two per centum below nor more than six per centum above the normal voltage of such circuit.

§ 10. Meters.—No such corporation, association, copartnership or person shall permit a gas or electric meter to remain in

service or to be used for measuring the supply of gas or electricity furnished a consumer that shall, upon test, show four or more per centum fast on a load equal or exceeding one-half but not exceeding the full rated capacity of such meter.

§ 11. Tests.— The gas manufactured, furnished or sold within the city shall be tested in a suitable manner and by proper apparatus under the direction and supervision of the commissioner, whenever he shall direct, provided, however, that tests for illuminating power shall be made at least weekly; for purity, at least fifteen times a year; and for pressure, daily. Any such corporation, association, copartnership or person shall maintain in each series circuit supplying an electric arc street lamp a recording ammeter, approved by the commissioner, giving continuous readings which shall show a correct record of the daily ampere supply to such circuit, also, in each incandescent feeder circuit a recording volt meter, to be approved by the commissioner, which shall show a correct record of the daily voltage maintained on such circuit; all records of the series circuit ammeters shall be filed daily in the office of the commissioner; all records of the feeder circuit volt meters shall be filed in the office of the superintendent of the works and shall be at all times accessible to the commissioner for examination; all tests made shall be by methods used or approved by the state commission of gas and electricity or other board or commission exercising like powers or functions within the state. Upon the completion of any test it shall be the duty of the commissioner to forthwith mail to any such corporation, association, copartnership or person a statement specifying the place where such test was made and the result thereof.

§ 12. Street lighting contracts.— No proposal shall be advertised for or contract entered into by the city for street lighting until such proposal and contract shall have been first submitted to and approved as to terms, conditions and form by the commissioner. Each such contract for street lighting by electric arc lamps shall provide that each street arc lamp shall furnish the volume of illumination hereinbefore specified to be furnished by street arc lamps, and shall also specify the kind of system to be employed, the amperes of current on each street circuit and the voltage at each lamp to be maintained and the kind or type of lamp to be installed and used. It shall also provide that if the recording ammeters in any street arc circuit show an average variation of more than one-eighth of an ampere below the amper-

age specified in the contract during any night, such record shall be deemed to be a failure to supply the volume of illumination required and that there shall thereupon become forfeited and be deducted from the contract price, the sum of twenty-five dollars for each such failure. It shall also provide that a fixed sum, not less than fifty cents per lamp, shall be forfeited and deducted from the contract price each time any street lamp shall remain unlighted for a period of one hour or more between dark and dawn.

§ 13. Maps to be filed.—Any such corporation, association, copartnership or person shall, within ninety days after this act takes effect, or, if not now engaged in such business, within ninety days after the commencement thereof, file with the commissioner a map or maps of the streets of the city on which shall be delineated in detail (1) the location and size of all gas mains, and electric conduits used as a part of or in connection with a gas or electric distributing system, (2) the location of all lamps furnished or supplied for street lighting purposes, (3) the size and location of all subways or underground conduits, including manholes, used as a part of or in connection with an electric service system. Such map or maps shall be in the form prescribed by the commissioner and shall be amended or supplemented quarterly so as to conform to the conditions and systems existing on such dates.

§ 14. Interference with officers.—No corporation, association, copartnership or person shall in any manner hinder, delay, obstruct or interfere with the commissioner or any subordinate, employee or agent in the performance of his duties.

§ 15. Penalties.—Any corporation, association, copartnership or person engaged in furnishing or supplying gas or electricity in said city, for any violation of or noncompliance with the provisions of this act, or noncompliance with any order or direction of the commissioner, authorized by this act, shall be subject to and shall forfeit and pay the following penalties:

1. For each violation of or noncompliance with any of the provisions relating to the illuminating or candle power of gas, determined upon an average taken of three consecutive tests made not oftener than once per day, one hundred dollars;

2. For each violation or noncompliance with any of the provisions relating to the purity of gas, provided it shall occur on each of three successive calendar days, one hundred dollars;

3. For each violation of or noncompliance with any of the provisions relating to the pressure required or permitted in a gas distributing system, fifty dollars, provided, however, that no such penalty shall be imposed during the period of one year after the passage of this act for a failure to maintain pressure, within the limits herein prescribed, due solely to inadequate capacity of distributing or supply mains;

4. For each violation of or noncompliance with any of the provisions relating to volume of illumination of street arc lamps, twenty-five dollars;

5. For each violation of or noncompliance with any of the provisions relating to electric incandescent lamps or regulation of incandescent lighting system, twenty-five dollars;

6. For each violation of or noncompliance with the provisions relating to accuracy of gas and electric meters, twenty-five dollars;

7. For each violation of or noncompliance with any other provision of this act, fifty dollars.

Only one penalty shall be imposed upon any one corporation, association, copartnership or person for violations of the same kind occurring during any one calendar day. No penalty shall be imposed for a violation of or noncompliance with any of the provisions of this act due solely to fire, lightning, earthquake or other unusual or extraordinary occurrence during such period only as by reason thereof said provisions cannot be reasonably complied with. All penalties imposed under the provisions of this act shall be recovered in civil actions to be brought by the commissioner in the name of the city of Syracuse, and when recovered, shall be the property of the city. In any such action, judgment shall be rendered for the full amount of the penalty with costs of the action.

§ 16. Other remedies.—An action or proceeding may be maintained in any court of competent jurisdiction to restrain the violation of or to enforce compliance with any of the provisions or requirements of this act or of any order or direction of the commissioner authorized by this act by injunction, mandamus or other appropriate remedy to be instituted and maintained by the commissioner in the name of the city. No undertaking shall be required from the commissioner or city in any such action or proceeding as a condition to the granting or issuing of any order, process or relief thereunder.

§ 17. Appropriation.— There shall be transferred to the credit of the commissioner of public safety for the purpose of defraying the expenses of carrying out the provisions of this act for the current fiscal year, out of the moneys appropriated in the annual estimate and tax budget for said year for the department of public works or from other available city funds, such sum as the board of estimate and apportionment shall determine to be necessary therefor and the expenditure thereof shall be governed by the provisions of law applicable to the expenditure of moneys by other city officers.

§ 18. Public act.— This act is intended to be and shall be deemed and held in all courts and jurisdictions to be a public act, of which the courts shall take judicial notice. This act shall be construed not as an act in derogation of the powers of the state but as one intended to aid the state in the execution of its duties, and shall be liberally construed so as to carry into effect the objects and purposes hereof.

§ 19. This act shall take effect July first, nineteen hundred and seven.

(No. 39.)

AN ACT to amend the code of civil procedure, relative to an action against a railroad corporation for damages in tort.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The code of civil procedure is hereby amended by adding thereto, after section seventeen hundred and seventy-seven thereof, a new section, to be section seventeen hundred and seventy-seven-a, to read as follows:

§ 177-a. In an action against a railroad corporation for damages in tort the answer shall not contain a denial of the allegation of operation unless it also alleges affirmatively the correct name of the corporation which in fact operated the railroad at the time mentioned in the complaint.

§ 2. This act shall take effect immediately.

(No. 40.)

Amend Assembly bill No. 1562, Senate reprint No. 1418, Int. No. 1269, by substitute bill as follows:

“AN ACT to amend the revised statutes, relative to references in insolvent debtors’ proceedings.”

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections twenty and twenty-one of article eight, title one, chapter five, part two, of the revised statutes, as amended by chapter three hundred and seventy-three of the laws of eighteen hundred and sixty-two, are hereby amended to read as follows:

§ 20. If such referee or referees be not selected by agreement, then the trustees or the other party to the controversy, provided no action at law is pending arising out of any such debts or demands, may serve a notice of their intention to apply to the officer who appointed said trustees, or to any judge of the supreme court at chambers, residing in the same district with said trustees, for the appointment of one or more referees, specifying the time and place when such application will be made, which notice shall be served at least ten days before the time so therein specified.

§ 21. On the day so specified, upon due proof of the service of such notice, the officer before whom the application is made [shall] may, in his discretion, proceed to select one or more referees, the same in all respects as they are now selected according to the rules and practice of the supreme court.

§ 2. This act shall take effect immediately.

(No. 41.)

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The treasurer shall pay, on the warrant of the comptroller, from the several funds specified, to the persons, and for the purposes indicated in this act, the amounts named or so much thereof as shall be sufficient to accomplish, in full, the purposes

designated by the appropriations, which several amounts are hereby appropriated out of any moneys in the treasury not otherwise appropriated. No warrants shall be issued, except in cases of salaries, until the amounts claimed shall have been audited and allowed by the comptroller, who is hereby authorized to determine the same, upon vouchers presented as required by section twelve of the state finance law. Whenever an appropriation shall have been provided otherwise the sum herein directed to be paid shall not be considered as an addition to such other appropriation unless it shall be expressly so declared in this act.

FROM THE GENERAL FUND.

EXECUTIVE DEPARTMENT.

The sum of two thousand four hundred seventy dollars and thirty-three cents (re. \$2,472.33) being the unexpended balance of appropriations made by chapter six hundred and ninety-nine, laws of nineteen hundred and five, and chapter six hundred and eighty-three, laws of nineteen hundred and six, for repairs, furniture and incidental expenses of the executive mansion and rent of stable, is hereby reappropriated for the incidental expenses of the executive mansion, including rent of stable and equipage, for the present calendar year, to be paid by the comptroller on the certificate of the governor.

For the keeper and recorder of legislative bills, to which position the military secretary may be assigned, eleven hundred and twenty-five dollars (\$1,125), or so much thereof as may be necessary.

For printing the state papers of the governor for the year nineteen hundred and six, eight hundred dollars (\$800), or so much thereof as may be necessary.

For the compensation and expenses of persons employed in the examination of bills of the legislative session of nineteen hundred and seven, four thousand four hundred dollars (\$4,400), or so much thereof as may be necessary, to be paid on the certificate of the governor.

For furnishing steel filing cases for books, papers and records in the executive chamber, and for other repairs, under the direction of the superintendent of public buildings, and state architect, with the approval of the governor, the sum of ten thousand five hundred dollars (\$10,500), or so much thereof as may be necessary.

For salaries of persons appointed by the governor to examine and investigate the departments, boards, bureaus, divisions, and commissions of the state, and for expenses necessarily incurred in said examinations or investigations, and for necessary expenses incurred in the examinations or investigations of such departments, boards, bureaus, divisions, and commissions by the governor in person, ten thousand dollars (\$10,000) or so much thereof as may be necessary.

For completing the preparation of an annotated edition of the governor's messages as provided by chapter seven hundred of the laws of nineteen hundred and five and chapter six hundred eighty-six of the laws of nineteen hundred and six, five thousand dollars (\$5,000), to be paid on the order of the governor and the warrant of the comptroller.

JUDICIARY.

COURT OF APPEALS.

For the payment of expenses incurred pursuant to section two hundred and three of the code of civil procedure by the justices of the supreme court assigned to serve as judges of the court of appeals, three hundred and seventy-five dollars (\$375), or so much thereof as may be necessary.

SUPREME COURT.

For the deficiency in appropriations for the salaries and expenses of the justices of the supreme court, for the fiscal year ending September thirtieth, nineteen hundred and seven, eighty-eight thousand seven hundred and twenty-four dollars and ninety-three cents (\$88,724.93), or so much thereof as may be necessary.

For compensation to confidential clerks to resident trial justices of the supreme court in the ninth judicial district, to the thirtieth of September, nineteen hundred and seven, six thousand seven hundred and fifty dollars (\$6,750), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter six hundred and ninety-six of the laws of nineteen hundred and six.

For compensation of a case and consultation clerk of the appellate division, second department, to September thirtieth, nineteen hundred and seven, twelve hundred dollars (\$1,200), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter eighty-eight, laws of nineteen hundred and seven.

For deficiency in appropriation for the fiscal year ending September thirtieth, nineteen hundred and seven, for the justices of the supreme court residing in the territory formerly composing the second judicial district, not residing in the county of Kings, namely, those residing in the present second and ninth districts outside of said county, for additional compensation, pursuant to chapter seven hundred and sixty-five, laws of eighteen hundred and sixty-eight, as amended by chapter one hundred and twenty-six, laws of eighteen hundred and eighty-three and chapter one hundred and thirty-one, laws of eighteen hundred and ninety-eight, thirty-eight thousand six hundred and twenty-five dollars (\$38,625), or so much thereof as may be necessary, said amount to be refunded to the treasury pursuant to the acts above referred to.

For Julia B. Childs, widow of the late Henry A. Childs, justice of the supreme court for the sixth judicial district, who died May sixteenth, nineteen hundred and six, four thousand four hundred and ninety dollars and seventy-two cents (\$4,490.72), being the amount of the annual compensation of said justice for the calendar year nineteen hundred and six, which would have been earned by him had he continued to live until the close of that year and had served as such justice.

For Ellen B. Forbes, widow of the late Gerritt A. Forbes, justice of the supreme court for the sixth judicial district, who died September twenty-second, nineteen hundred and six, eighteen hundred dollars (\$1,800), being the amount of the annual compensation unpaid of said justice for the calendar year nineteen hundred and six, which would have been earned by him had he continued to live until the close of that year and had served as such justice.

COURT OF CLAIMS.

For the deficiency in the appropriation for the salaries of the judges of the court of claims, for the fiscal year ending September thirtieth, nineteen hundred and seven, six thousand six hundred dollars (\$6,600), or so much thereof as may be necessary.

STATE REPORTER.

For expenses of moving office and for furnishing new office, one hundred sixty-eight dollars and fifty cents (\$168.50) and for deficiency in rent of new office from May first to September thirtieth, nineteen hundred and seven, sixty-two dollars and fifty cents (\$62.50).

SUPREME COURT REPORTER.

For clerk hire and additional assistants from June first to October first, nineteen hundred and seven, in addition to the sums heretofore appropriated, two hundred fifty-four dollars and fifty cents (\$254.50) and for expenses of moving office, seventy-five dollars (\$75).

MISCELLANEOUS REPORTER.

To the miscellaneous reporter for deficiency in appropriation for assistance, clerk hire, obtaining copies of opinions and office expenses for the fiscal year ending September thirtieth, nineteen hundred and seven, one thousand three hundred dollars (\$1,300), or so much thereof as may be necessary.

LIBRARIES.

For the court of appeals library at Syracuse, for the purchase of books and necessary rebinding of books belonging to said library, and for supplying deficiencies in former appropriations for said purposes, one thousand dollars (\$1,000), to be paid on the presentation to the comptroller of vouchers certified by the librarian of said library.

For the supreme court library at Elmira, for the purchase of books and necessary rebinding of books belonging to said library, and for supplying deficiencies in former appropriations for said purposes, one thousand dollars (\$1,000), to be paid on presentation to the comptroller of vouchers certified by a majority of the trustees having charge of said library.

For the additional salary of the librarian of the fourth appellate division law library, provided by chapter one hundred and eighty-six, laws of nineteen hundred and seven, for the remainder of the fiscal year, four hundred twelve dollars and fifty cents (\$412.50), or so much thereof as may be necessary.

LEGISLATURE.

For the lieutenant-governor, for extra stenographic and clerical services, five hundred dollars (\$500).

For the speaker of the assembly, for extra stenographic and clerical services, five hundred dollars (\$500), or so much thereof as may be necessary.

For the clerks of the senate and assembly, for the use of the senate and assembly, for file boards, index clerk's books, com-

mittce books, stationery and supplies, clerical services, printing, revising the clerk's manual, books and blanks, care of bills and documents, law books for the senate and assembly libraries, and such as may be ordered by resolution, and for other contingent expenses of the senate and assembly, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

For postage, expenses of committees, compensation of witnesses, legislative manual, clerk's manual and indexing the bills, journals and documents of the senate and assembly and other contingent expenses of the legislature which are hereby reappropriated therefor, the sum of twelve thousand six hundred sixteen dollars and seventy-one cents (re. \$12,616.71), being the unexpended balance of the appropriation made by chapter seven hundred and one, laws of nineteen hundred and five, for the payment of the expenses of the joint committee of the senate and assembly of nineteen hundred and five to investigate and examine into the organization and operation of gas and electric lighting companies of the city of New York, and the sum of eight thousand one hundred dollars (re. \$8,100), being the unexpended balance of the appropriation made by chapter two, laws of nineteen hundred and six, for printed copies of the testimony of the joint committee of the legislature of nineteen hundred and five, appointed to investigate the affairs of life insurance companies, which are hereby reappropriated therefor.

For deficiency in appropriation for postage, expenses of committees, compensation of witnesses, legislative manual, clerk's manual, indexing the bills, journals and documents of the senate and assembly and other contingent expenses of the assembly, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

For deficiency in the appropriation for the compensation and mileage of the members and officers of the legislature for the fiscal year ending September thirtieth, nineteen hundred and seven, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For Patrick H. Bird, for personal expenses and counsel fees incurred in the contest by Moses Carl Levine for the seat of the ninth assembly district of the county of New York, one thousand dollars (\$1,000), which sum shall be paid upon the approval of the chairman of the committee on privileges and elections.

For John C. Hackett, for personal expenses and counsel fees

incurred in the contest by Joseph B. Traut for the seat of the thirteenth assembly district of the county of New York, one thousand dollars (\$1,000), which sum shall be paid upon the approval of the chairman of the committee on privileges and elections.

For John T. Eagleton, for personal expenses and counsel fees incurred in the contest by George S. Husch for the seat of the third assembly district of the county of New York, one thousand dollars (\$1,000), which sum shall be paid upon the approval of the chairman of the committee on privileges and elections.

For George Schwegler, for personal expenses and counsel fees incurred in the contest by Moses Carl Levine for the seat of the twenty-eighth assembly district of the county of New York, one thousand dollars (\$1,000), which sum shall be paid upon the approval of the chairman of the committee on privileges and elections.

For Sherman Moreland, for personal expenses and counsel fees incurred in the contest by John Denecn for the seat of the assembly district of the county of Chemung, one thousand dollars (\$1,000), which sum shall be paid upon the approval of the chairman of the committee on privileges and elections.

For William H. Burns, for personal expenses and counsel fees incurred in the contest by David Goldstein for the seat of the fourth assembly district of the county of New York, one thousand dollars (\$1,000), which sum shall be paid upon the approval of the chairman of the committee on privileges and elections.

For the legislative bill drafting department, for the preparation of the session indices and digests for the legislative session of nineteen hundred and seven, thirty-two hundred dollars (\$3,200), or so much thereof as may be necessary, to be paid upon the certificate of the temporary president of the senate and the speaker of the assembly.

SECRETARY OF STATE.

For the payment of the inauguration expenses, two thousand three hundred eighty dollars and thirty cents (\$2,380.30), or so much thereof as may be necessary.

For clerk hire, purchase of seals and badges, printing and other necessary expenses for the enforcement of the motor vehicle law, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For binding enumerator's schedules of the enumeration of nineteen hundred and five and the tabulations therefrom, eight hundred dollars (\$800), or so much thereof as may be necessary.

For temporary clerk hire, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary. The secretary of state is hereby authorized to employ for a period not exceeding three months of continuous employment, temporary help in his department, and may employ for such temporary service any person whose name appears on any appropriate eligible list on file in the office of the state civil service commission.

For one employee of the seventh grade from January first to September thirtieth, nineteen hundred seven, eleven hundred twenty-five dollars (\$1,125).

COMPTROLLER.

The sum of one thousand dollars (re. \$1,000), being a portion of the unexpended balance of appropriation made by chapter five hundred and ninety-nine, laws of nineteen hundred and three, and reappropriated by chapter seven hundred, laws of nineteen hundred and five, for the comptroller, for the payment of compensation and expenses of counsel employed by him in legal actions or proceedings, and for expert services in the investigation of tax matters, is hereby reappropriated for the same purposes.

The sum of one thousand dollars (re. \$1,000), being part of the unexpended balance of appropriations made by chapter six hundred and ninety-nine, laws of nineteen hundred and five, for services of employees in the comptroller's office, is hereby reappropriated for additional or temporary service in said office.

The sum of nineteen hundred and nineteen dollars and seventy-two cents (re. \$1,919.72), being the unexpended balance of an appropriation made by chapter six hundred and ninety-nine, laws of nineteen hundred and five, for protecting and perfecting the state's title to lands, is hereby reappropriated for the same purpose.

The sum of one thousand dollars (re. \$1,000), being part of the unexpended balance of an appropriation made by chapter six hundred and ninety-nine, laws of nineteen hundred and five, for the salary of the comptroller is hereby reappropriated for postage and transportation of letters, official documents and other matter sent by express or freight including boxes or covering for same.

For deficiency in the appropriation for services and expenses of examiners, for detective service, for dies, plates and printing necessary for the manufacture of stamps and for books, binding, blanks and other necessary expenses of the stock transfer tax bureau, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

For the construction of steel cases for the care of maps in the land bureau, twelve hundred and fifty dollars (\$1,250), or so much thereof as may be necessary.

For supervision and examination of accounts of the several counties, cities of the second and third classes and incorporated villages, pursuant to chapter seven hundred and five, laws of nineteen hundred and five as amended by chapter two hundred and fifteen, laws of nineteen hundred and seven, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For the services of employees in the bureau of highways from June first to October first, nineteen hundred and seven, payable from the highway improvement fund; seventh grade, one employee, five hundred dollars (\$500); fifth grade, one employee, three hundred dollars (\$300), or so much thereof as may be necessary.

For deficiency in appropriation for advances to county treasurers on account of taxes on property of nonresidents and for taxes on state wild or forest lands, which may be returned to the comptroller's office, and for adjusting accounts of state taxes with counties, sixty thousand dollars (\$60,000), or so much thereof as may be necessary.

The sum of one thousand five hundred dollars (re \$1,500), being the unexpended balance of an appropriation made by chapter six hundred and eighty-six, laws of nineteen hundred and six, for the payment of an agent or agents and for their necessary expenses in the enforcement of the act to license and regulate the business of private detectives and detective agencies, is hereby reappropriated for the same purpose.

For fees of surrogates in furnishing to the secretary of state copies of letters of administration, copies of wills probated in other states and subsequently filed in this state, as provided by section twenty-five hundred and three, code of civil procedure, two hundred dollars (\$200), or so much thereof as may be necessary.

For the repayment to the several counties for the maintenance of county roads pursuant to chapter two hundred and sixty-nine,

laws of nineteen hundred and three, fifty-one thousand dollars (\$51,000), or so much thereof as may be necessary.

For the payment of interest on temporary loans made by him to meet legal demands on the treasury in pursuance of section fourteen of chapter four hundred and thirteen of the laws of eighteen hundred and ninety-seven, the state finance law, the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary.

For reimbursement of the appropriation for stationery for public offices, being for stationery furnished the secretary of state for the enumeration of inhabitants, commission of water supply, gas and electricity commission, statutory consolidation commission and board of canal appraisers, nine hundred nineteen dollars and thirteen cents (\$919.13).

For the clearing and improvement of lands acquired by the state to commemorate the battle of Lake George, in Warren county, and for the construction of structure or building on said battleground, six hundred and forty-four dollars and sixty-seven cents (re. \$644.67), being the unexpended balance of an appropriation made by chapter seven hundred and twenty-nine of the laws of nineteen hundred and four, for certain expenses of said battleground.

For George Addington, eleven hundred and thirty-four dollars and fifty cents (\$1,134.50), or so much thereof as may be necessary, to refund to him moneys paid for lands sold him by the state where title to the same has failed, with interest, pursuant to section five of the public lands law, upon the audit of the comptroller.

For reimbursing the National Commercial bank of Albany for the nonpayment of checks deposited by the treasurer of the state in said bank on account of corporation, organization and racing taxes and for protest fees, five hundred and thirty-four dollars and seventy-six cents (\$534.76), or so much thereof as may be necessary.

STATE ENGINEER AND SURVEYOR.

For the payment of work done and for the purpose of continuing such work in co-operation with the United States geological survey in surveying and mapping the state of New York in the manner defined by chapter two hundred and nineteen, laws of eighteen hundred and ninety-eight, of ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For co-operation with the United States geological survey in hydrographic work connected with the measurements of volumes of streams and flow of water in the state of New York, for the purpose of determining the water supply available for canals and for potable and domestic uses, and the development of water power, fifteen hundred dollars (\$1,500), or so much thereof as may be necessary.

For surveys and maps for the use of the attorney-general in cases before the court of claims arising on account of the canals of the state, and for other expenses connected therewith, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary, payable from the canal fund.

For the supervision of the expenditure of moneys in towns under the money system, pursuant to sections fifty-five-c and fifty-five-d of the highway law, fifty thousand dollars (\$50,000), or so much thereof as may be necessary.

For the maintenance and repair of improved highways, pursuant to chapter one hundred and fifteen, laws of eighteen hundred and ninety-eight, as amended by chapter four hundred and sixty-eight, laws of nineteen hundred and six, one hundred thousand dollars (\$100,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, five hundred dollars (\$500), and for furniture, books, binding, blanks, printing messages and other necessary incidental office expenses, five hundred dollars (\$500), or so much thereof as may be necessary.

For salaries and actual and necessary expenses of the chief bridge designer and inspector and the necessary assistants, draughtsmen and supplies, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the reimbursement of the town of Chili, Monroe county, for one-half of the expense heretofore charged upon said town for the extraordinary repairs made during the years nineteen hundred and four and nineteen hundred and five by the state engineer and surveyor upon sections one and two of the Scottsville road and section one of the Clifton road in said town, four thousand four hundred thirteen dollars and sixteen cents (\$4,413.16), or so much thereof as may be necessary.

DEPARTMENT OF EDUCATION.

For repairs, renewals, betterments of buildings, equipment, fixtures, furniture, and such additional accommodations in the state normal schools as may be necessary, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For repairs and improvements of school buildings and the purchase of necessary supplies for the Indian schools on the Alleghany and Cattaraugus, Onondaga, Tonawanda, Tuscarora, Saint Regis, Shinnecock and Poospatuck Indian reservations, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the transportation, maintenance and support of Indian truants committed to institutions for truants, pursuant to the provisions of section nine, chapter four hundred and twenty-four, laws of nineteen hundred and four, five hundred dollars (\$500), or so much thereof as may be necessary.

For field operations of the director of the science division and his assistants, in geology, paleontology, entomology and archeology, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For medical examinations, payable from fees, pursuant to statute, fifteen thousand dollars (\$15,000), to be expended as follows:

For the salary of the secretary of the state board of medical examiners, one thousand five hundred dollars (\$1,500).

For expenses of medical examinations, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary.

For apportionment to the state boards of medical examiners on the basis provided in chapter six hundred and sixty-one, laws of eighteen hundred and ninety-three and the amendments thereto, nine thousand dollars (\$9,000).

For expenses of dental examinations, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, and for the payment of the surplus to the state dental

society as provided in chapter two hundred and fifteen, laws of nineteen hundred and one and amendments thereto, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For expenses of the veterinary examinations, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, two hundred dollars (\$200), or so much thereof as may be necessary.

For apportionment on the basis provided in chapter six hundred and sixty-one, laws of eighteen hundred and ninety-three and the amendments thereto, two hundred dollars (\$200), or so much thereof as may be necessary.

For examinations of certified public accountants pursuant to chapter three hundred and twelve, laws of eighteen hundred and ninety-six, for expenses of the certified public accountant examinations, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, nine hundred dollars (\$900), or so much thereof as may be necessary.

For expenses of the examination for registered nurses, pursuant to article twelve of the public health law, including postage, express, parchment for certificates, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations, and services of persons temporarily employed to conduct such examinations, thirty-eight hundred dollars (\$3,800), or so much thereof as may be necessary.

For a new schoolhouse upon the Onondaga Indian reservation, six thousand dollars (\$6,000), and for the apparatus and materials for beginning industrial training in the school upon said reservation, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the necessary expenses of three summer institutes to be held at Chautauqua, Thousand Island Park and Cliff Haven, five thousand dollars (\$5,000).

For determining what deposits of iron ore exist within the state of New York and the extent and availability thereof, five thousand dollars (\$5,000), or so much thereof as may be necessary.

DEPARTMENT OF AGRICULTURE.

For the purpose of enforcing the provisions of article four of the agricultural law, relating to the diseases of domestic animals, fifty thousand dollars (\$50,000).

For the purpose of enforcing the provisions of article eleven of the agricultural law, relating to the adulteration and misbranding of food, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For expenses of the field work in enforcing the provisions of articles nine and twelve of the agricultural law, relating to concentrated commercial feeding stuffs and commercial fertilizers, two thousand seven hundred dollars (\$2,700), or so much thereof as may be necessary.

For the investigation and extermination of San Jose scale and other dangerously infectious or contagious insect pests, in addition to the sums heretofore appropriated for that purpose, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

For reimbursing William H. Crawford, of the town of Stockholm, county of Saint Lawrence, for expenses incurred by said Crawford from October thirteenth, nineteen hundred and four, to July twelfth, nineteen hundred and five, in caring for cattle quarantined by order of the commissioner of agriculture, eight hundred and sixty-two dollars and fifty cents (\$862.50), or so much thereof as may be necessary.

For collecting and disseminating such information relative to agricultural labor within the state as provided by article fourteen of the agricultural law, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary.

For Charles W. Larmon, for services rendered to the commissioner of agriculture in connection with the bureau of information and statistics of the department of agriculture for the month of September, nineteen hundred and five, the sum of one hundred and twenty-five dollars (\$125).

For the expenses incurred by delegates to the farmers' national congress, five hundred dollars (\$500), or so much thereof as may be necessary.

For the continuation and extension of the work of farmers' institutes, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For deficiency on account of sugar beets grown within the

state of New York during the season of nineteen hundred and six, as provided by article five of the agricultural law and acts amendatory thereof, to be distributed to the growers of sugar beets, or their assignees or legal representatives, whose names have been filed with the commissioner of agriculture, the sum of forty-one thousand four hundred forty-four dollars and six cents (\$41,444.06), or so much thereof as may be necessary.

For distribution on account of sugar beets grown within the state of New York during the season of nineteen hundred and seven, as provided by article five of the agricultural law and acts amendatory thereof, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

For apportionment under the provisions of section eighty-eight of the agricultural law, two hundred seventy-three thousand five hundred dollars (\$273,500), or so much thereof as may be necessary, of which the sum of two hundred one thousand two hundred thirty-six dollars and twenty-nine cents (\$201,236.29), is appropriated from moneys collected from racing associations, pursuant to chapter five hundred and seventy, laws of eighteen hundred and ninety-five and the acts amendatory thereof or supplemental thereto, and the sum of seventy-two thousand two hundred sixty-three dollars and seventy-one cents (\$72,263.71) is appropriated from any moneys in the treasury not otherwise appropriated.

STATE ARCHITECT.

For deficiency in appropriation for salaries of draughtsmen and tracers, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

For the salary of one engineer from April first to September thirtieth, nineteen hundred and seven, six hundred seventy-five dollars (\$675), or so much thereof as may be necessary.

For deficiency in appropriation for salaries of building inspectors, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For deficiency in appropriation for transportation and other expenses of supervision, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For deficiency in appropriation for office supplies and expenses, five hundred dollars (\$500), or so much thereof as may be necessary.

BANKING DEPARTMENT.

For salary of card index and filing clerk from June first to October first, nineteen hundred seven, four hundred dollars (\$400).

For the purpose of partially equipping the office and vaults of the department in the state hall with steel filing cases, seven hundred and fifty dollars (\$750), or so much thereof as may be necessary.

CIVIL SERVICE COMMISSION.

For deficiency in the appropriation for expenses of examinations, and compensation of temporary, local and expert examiners, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For deficiency in appropriation for office expenses and for the necessary traveling expenses of the examiners and stenographer, six hundred fifty dollars (\$650), or so much thereof as may be necessary.

For salary of one employee of the first grade, June first, nineteen hundred and seven, to October first, nineteen hundred and seven, one hundred and twenty dollars (\$120).

DEPARTMENT OF EXCISE.

The sum of twelve thousand ten dollars and sixty-six cents (re. \$12,010.66), being the unexpended balances of the appropriations made by chapter six hundred and ninety-nine, laws of nineteen hundred and five, and by chapter seven, laws of nineteen hundred and five, for salaries, Albany office, six thousand eight hundred seventy-five dollars and three cents (\$6,875.03); salaries, New York office, two hundred thirty-seven dollars and sixteen cents (\$237.16); salaries, Buffalo office, one hundred sixty-eight dollars and seventy-five cents (\$168.75); expense, Queens office, one dollar and fourteen cents (\$1.14); expense, Richmond office, forty-seven dollars and sixteen cents (\$47.16); expense, Monroe office, one hundred fifty-one dollars and forty-two cents (\$151.42); judgments, four thousand five hundred thirty dollars (\$4,530), is hereby reappropriated for the following purposes:

For legal expenses, including salaries of attorneys and law stenographers for Albany, New York, Brooklyn and Buffalo offices, and compensation, costs, expenses and disbursements of

attorneys under section ten of the liquor tax law, six thousand dollars (\$6,000).

For paying judgments against the state commissioner of excise and also judgments against any special deputy commissioner of excise or against any county treasurer, where said judgments against said special deputy commissioners or county treasurers were obtained in actions or proceedings brought or defended by the direction of the state commissioner of excise, three thousand dollars (\$3,000).

For temporary help, three thousand ten dollars and sixty-six cents (\$3,010.66).

For the payment of rebates on surrender of liquor tax certificates, under the provisions of the liquor tax law, one hundred seventy-five thousand dollars (\$175,000).

The state commissioner of excise is hereby authorized to employ in his discretion any needed temporary help in his department, and may employ for such temporary service any person whose name appears on any appropriate eligible list on file in the office of the state civil service commission, for a period not to exceed three months of continuous employment, payment for such temporary service to be made out of any sums appropriated for such purpose.

FOREST, FISH AND GAME COMMISSION.

For the payment of rebates due the various towns on account of bills paid by them for the suppressing of forest fires, under chapter twenty, laws of nineteen hundred, as amended by chapter five hundred and nineteen, laws nineteen hundred and one, and for printing and posting notices for the prevention of forest fires in the forest preserve, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the payment of justices, constables, attorneys, court costs and surveying in prosecutions for violations of the forest, fish and game law, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, to be paid from the moneys received from fines and penalties, pursuant to chapter twenty, laws of nineteen hundred.

For reforesting burned or denuded lands in the forest preserve, and preparing and distributing instructive pamphlets on forestry subjects pursuant to section two hundred and twenty of the forest, fish and game law, two thousand six hundred nine dollars and thirty cents (\$2,609.30), or so much thereof as may be necessary.

For completing the new Adirondack map to conform with the sheets issued by the United States geological survey, five hundred dollars (\$500), or so much thereof as may be necessary.

For expenses of making surveys, witness, court and counsel fees in protecting the state's title and interest in state land in the forest preserve, four thousand dollars (\$4,000), or so much thereof as may be necessary.

The sum of three thousand dollars (re. \$3,000), being a portion of the unexpended balance of an appropriation made by chapter six hundred and eighty-three, laws of nineteen hundred and six, for the expenses of game protectors, is hereby reappropriated for the payment of extra expenses of protectors in the discharge of duty outside their respective districts in special cases when acting under the order of the commissioner or chief protector.

For extraordinary repairs and improvements required for Adirondack hatchery, Upper Saranac, Franklin county, Bath hatchery, Bath, Steuben county, Caledonia hatchery, Caledonia, Livingston county, Cold Spring Harbor hatchery, Cold Spring Harbor, Suffolk county, Chautauqua hatchery, Bemus Point, Chautauqua county, Delaware hatchery, Margaretville, Delaware county, Fulton Chain hatchery, Old Forge, Herkimer county, and Oneida hatchery, Constantia, Oswego county, nineteen thousand seven hundred and fifty-three dollars (\$19,753), or so much thereof as may be necessary.

The sum of one hundred and ninety-one dollars and seventy cents (re. \$191.70), being the unexpended balance of an appropriation made by chapter seven hundred, laws of nineteen hundred and five, for the purpose of repairing docks, buildings and the care of state lands, in the state reservation on the Saint Lawrence river, is hereby reappropriated for the same purpose.

The sum of one thousand dollars (re. \$1,000), being part of the unexpended balance of an appropriation made by chapter five hundred and thirty-nine, laws of nineteen hundred and six, for the purchase of a launch to be used by the game protectors in Jamaica bay and adjacent waters, is hereby reappropriated for hire of steamboats and launches for the use of such protectors in pursuing violators of the law on the waters adjacent to New York bay, Hudson river and Long Island.

For the salary of a stenographer to the commissioner from

June first to October first, nineteen hundred and seven, two hundred dollars (\$200).

For the salaries of the chief attorney, assistant attorney and stenographer in the legal department, from June first to October first, nineteen hundred and seven, two thousand four hundred dollars (\$2,400), or so much thereof as may be necessary.

The sum of six hundred and eighty-eight dollars and forty-four cents (re. \$688.44), being the unexpended balance of appropriation made by chapter seven hundred, laws of nineteen hundred and five, for the purpose of increasing the water supply, pumping engine, pumps and installing the same at Chautauqua hatchery, is hereby reappropriated for the same purpose.

For renewing, replacing and painting signs for the various islands owned by the state in Lake George, five hundred dollars (\$500), or so much thereof as may be necessary.

For stationery, printing, postage, expressage and other office expenses, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the salaries of two additional game protectors for Jamaica bay and adjacent waters, as provided by chapter five hundred and thirty-nine, laws of nineteen hundred and six, to September thirtieth, nineteen hundred and seven, six hundred dollars and thirty-four cents (\$600.34), and for the necessary expenses of such protectors for the same period two hundred and fifty dollars (\$250), or so much thereof as may be necessary.

For repairing the John Brown homestead at North Elba, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For printing twenty-five thousand copies of the forest, fish and game law for nineteen hundred and seven, pursuant to chapter two hundred and eighty-two, laws of nineteen hundred and seven, to be distributed as follows: One hundred copies to each senator, fifty copies to each member of assembly and the remainder under the direction of the commissioner of forest, fish and game, three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary.

For the purchase of not to exceed twenty full blooded American bison for the keeping of which the commissioner of forest, fish and game is authorized to select suitable lands not exceeding fifteen square miles in the forest preserve and for fencing such lands and providing suitable quarters, and for maintaining such

bison and the expenses incidental thereto, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

STATE HISTORIAN.

For preparing a suitable index for the ecclesiastical records relating to the colonial history of the state recently published in six volumes by the state historian, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

HEALTH DEPARTMENT.

For suppressing epidemics of smallpox and other contagious or infectious diseases in the several municipalities of the state, seven thousand and five hundred dollars (\$7,500), or so much thereof as may be necessary.

The sum of six hundred and eighty-two dollars and forty cents (re. \$682.40), being the unexpended balance of appropriations made by chapter six hundred and eighty-three, laws of nineteen hundred and six, and the sum of four hundred and sixteen dollars and sixty-seven cents (re. \$416.67), being the unexpended balance of appropriations made by chapter six hundred and ninety-nine, laws of nineteen hundred and five, for services of employees, are hereby reappropriated for additional or temporary services in said office.

For investigations of sewage, sewage disposal, factory and creamery wastes, waterheads, violations of water rules, ice inspection, public nuisances, violations of the public health law, registration of vital statistics, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For deficiency in the appropriation for traveling expenses for employees of the department in the discharge of official duties, pursuant to the written direction of the commissioner, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the purpose of an increase of salary of the secretary of the health department from the first day of April, nineteen hundred and seven, to the first day of October, nineteen hundred and seven, two hundred and fifty dollars (\$250).

For deficiency in the appropriation for furniture, books, blanks, binding, printing and other specific expenses, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For deficiency in appropriation for postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For deficiency in the appropriation for traveling expenses for commissioner of health, five hundred dollars (\$500), or so much thereof as may be necessary.

For a traveling exhibit of tuberculosis for the education of the public in the prevention of tuberculosis, and for sanitary institutes for the instruction of health officers, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For maintenance and equipment of the cancer laboratory at Buffalo, for investigation into the cause, nature, mortality rate and treatment of cancer, including salaries, and the publication of at least one thousand copies of its report, twenty thousand dollars (\$20,000), or so much thereof as may be necessary, the vouchers for which shall be officially verified by the director of said laboratory, and approved by the state commissioner of health.

INSURANCE DEPARTMENT.

For Robert E. Steele, for services and disbursements in the matter of the Bankers Life Insurance company of the city of New York, to be paid on the certificate of the superintendent of insurance, the sum of six hundred dollars (\$600), or so much thereof as may be necessary.

For the construction of mezzanine floors, for cases and shelving, furniture and other necessary expenses connected therewith for the offices of the superintendent of insurance, twenty-five hundred dollars (\$2,500), or so much thereof as may be necessary.

DEPARTMENT OF LABOR.

The sum of seven hundred and fifty-nine dollars and forty-eight cents (re. \$759.48), being the unexpended balance of appropriations made by chapter six hundred and ninety-nine, laws of nineteen hundred and five, for salaries of clerks, special agents, et cetera, is hereby reappropriated for salaries of temporary clerks and stenographers.

The sum of six hundred and forty-one dollars and ninety-three cents (re. \$641.93), being the unexpended balance of appropriations made by chapter six hundred and ninety-nine, laws of nineteen hundred and five, and chapter six hundred and eighty-six,

laws of nineteen hundred and six, for salaries of deputy factory inspectors, is hereby reappropriated for the salary of a second assistant to the first deputy commissioner of labor, or assistant factory inspector, from June first to September thirtieth, nineteen hundred and seven.

The sum of two thousand three hundred and ninety-one dollars and forty-two cents (re. \$2,391.42), being the unexpended balance of appropriations made by chapter six hundred and ninety-nine, laws of nineteen hundred and five, for the expenses of the first and second deputy commissioners of labor, and of other officers and employees in the department of labor, is hereby reappropriated and made available as follows: One thousand one hundred dollars (\$1,100) for furniture, mathematical machines, and other office expenses; and one thousand two hundred and ninety-one dollars and forty-two cents (\$1,291.42) for printing, including the expense of publishing bulletins.

STATE COMMISSION IN LUNACY.

The sum of four thousand seven hundred and twenty-six dollars and twenty-three cents (re. \$4,726.23), being the unexpended balance of appropriation made by chapter five hundred and forty-one of the laws of nineteen hundred and three and reappropriated by chapter seven hundred and one of the laws of nineteen hundred and five, for the acquisition of a site for a state hospital for the insane in the northeastern part of the state, north of the county of Rensselaer, and for the preparation of the plans for such hospital, is hereby reappropriated for the construction of fences, to be paid in the same manner as provided in said act of nineteen hundred and three referred to.

For deficiency in the appropriation made by chapter six hundred and eighty-six, laws of nineteen hundred and six, for furniture and equipment of new chronic building at the Binghamton state hospital, including dining-room and kitchen building, seven thousand five hundred dollars (\$7,500).

For reimbursement of state hospital stewards for expenses incurred by them while acting as assistant treasurers, in payment of premiums on bonds required by the state comptroller during the year ending September thirtieth, nineteen hundred and seven, one hundred and seventy dollars (\$170).

For the reimbursement of the superintendent of the Saint Lawrence state hospital for premium paid by him upon his bond as acting treasurer of said hospital from June first, nineteen hundred

and three, to April first, nineteen hundred and seven, one hundred seventy-eight dollars and fifty cents (\$178.50), or so much thereof as may be necessary.

The sum of twenty thousand two hundred and forty-three dollars and sixty-seven cents (re. \$20,243.67), being the unexpended balance of appropriation made by chapter six hundred and ninety-nine, laws of nineteen hundred and five, for the salaries of officers of state hospitals; and the sum of one hundred and twelve thousand six hundred and eighty-eight dollars and fourteen cents (re. \$112,688.14), being the unexpended balance made by chapter six hundred and ninety-nine, laws of nineteen hundred and five, for the wages of state hospital employees for the year beginning October first, nineteen hundred and five; and the sum of five thousand two hundred and fifty-one dollars and sixty-three cents (re. \$5,251.63), being the unexpended balance of an appropriation made by chapter seven hundred, laws of nineteen hundred and five, for deficiencies in the wages of employees of the state hospitals for the year beginning October first, nineteen hundred and four; and the sum of two thousand and ninety-seven dollars and fifty cents (re. \$2,097.50), being the unexpended balance of an appropriation made by chapter seven hundred, laws of nineteen hundred and five, to reimburse state hospital superintendents for disbursements incurred by them in carrying out the provision of chapter twenty-six, laws of nineteen hundred and two, imposing upon hospital superintendents the duties of hospital treasurers between April, nineteen hundred and two, and October, nineteen hundred and three, are hereby reappropriated for the maintenance of the state hospitals for the year ending September thirtieth, nineteen hundred and seven, outside of salaries and wages.

The sum of twenty thousand nine hundred twenty-six dollars and twenty-seven cents (re. \$20,926.27), being the unexpended balance of an appropriation of forty-five thousand dollars made by chapter seven hundred and two, laws of nineteen hundred and five, for the construction of a nurses' home at the Utica state hospital, is hereby reappropriated for the same purpose.

The sum of one hundred eighty-nine thousand four hundred thirty-eight dollars and fifty-five cents (re. \$189,438.55), being the unexpended balance of an appropriation of two hundred and forty-two thousand dollars (\$242,000), made by chapter seven hundred and two, laws of nineteen hundred and five, for the con-

struction and furnishing of a building to accommodate at least four hundred and forty patients of the chronic class at one of the established state hospitals, is hereby reappropriated for the same purpose.

The sum of two thousand five hundred dollars (re. \$2,500) being an unexpended balance of an appropriation of two thousand five hundred dollars (\$2,500) made by chapter seven hundred and two, laws of nineteen hundred and five, for workshop at the Middletown state homeopathic hospital, is hereby reappropriated for the same purpose.

The sum of two thousand five hundred dollars (re. \$2,500) being the unexpended balance of an appropriation of two thousand five hundred dollars (\$2,500) made by chapter seven hundred and two, laws of nineteen hundred and five, for work shops, Gowanda state homeopathic hospital, is hereby reappropriated for the same purpose.

The sum of fourteen thousand dollars (re. \$14,000) appropriated by chapter seven hundred and two, laws of nineteen hundred and five, for superintendent's house at the Rochester state hospital; the sum of two thousand five hundred dollars (re. \$2,500) appropriated by chapter seven hundred and two, laws of nineteen hundred and five, for building for industries at the Rochester state hospital, and the sum of two thousand five hundred dollars (re. \$2,500) appropriated by chapter six hundred and eighty-six, laws of nineteen hundred and six, for furnishing the superintendent's house, Rochester state hospital, are hereby reappropriated for the construction and furnishing of a residence for the superintendent of the Rochester state hospital to be located on the grounds of the institution.

The sum of twenty thousand dollars (\$20,000) is hereby appropriated in addition to the appropriation of thirty thousand dollars (\$30,000) made by chapter six hundred and eighty-six, laws of nineteen hundred and six, providing for sewage disposal at the Kings Park state hospital.

The sum of one hundred and fifty thousand dollars (re. \$150,000) appropriated by chapter seven hundred and two, laws of nineteen hundred and five, for the construction of a reception hospital in New York city, authorized by section three, chapter seven hundred and sixty, laws of nineteen hundred and four, to cost not to exceed three hundred thousand dollars (\$300,000), is hereby reappropriated for the same purpose, and in addition

thereto the sum of fifty thousand dollars (re. \$50,000) appropriated by chapter six hundred and eighty-six, laws of nineteen hundred and six, for the preparation of plans and construction of one building at Comstock, is hereby reappropriated for the construction of such reception hospital in New York city.

The sum of three thousand two hundred dollars (re. \$3,200) appropriated by chapter six hundred and eighty-six, laws of nineteen hundred and six, for porch and sun rooms, ward eleven, Hudson River state hospital, and the further sum of three thousand two hundred dollars (re. \$3,200) for sun rooms, wards three and seven, at the Hudson River state hospital are hereby reappropriated for sun rooms for wards twenty-three and twenty-four, central group, and for day room for wards twenty-six and twenty-seven, E one and E two at the same hospital.

The sum of one thousand dollars (re. \$1,000) appropriated by chapter seven hundred and two, laws of nineteen hundred and five, for fan and motor, main building, Binghamton state hospital; the sum of four thousand dollars (re. \$4,000) appropriated by the same chapter for electric unit at said hospital, and the sum of nine thousand dollars (re. \$9,000) for additional boilers, new buildings at said hospital, are hereby reappropriated in addition to other appropriations for a portion of the expense of constructing a new power plant at that institution.

The sum of four thousand dollars (re. \$4,000) appropriated by chapter six hundred and eighty-six, laws of nineteen hundred and six, for enlargement of reception cottage rooms, Saint Lawrence state hospital, is hereby reappropriated and made available for the enlargement of one reception cottage dining-room at the same hospital.

NATIONAL GUARD.

For completing the personal records of the volunteers from this state in the war of the rebellion, for binding the same and for the manuscript of the third enlarged edition of "New York in the War of the Rebellion," of which manuscript the adjutant-general is authorized to cause to be printed as part of his next annual report, two thousand copies to be distributed as follows: Ten copies to each senator, five copies to each member of assembly and the remainder under the direction of the adjutant-general, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

For services and necessary traveling expenses in prosecuting war claims of the state against the United states, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For repairs, improvements, and betterments of the state arsenals, armories, camp grounds, and the rifle ranges at Creedmoor and throughout the state, under direction of the armory commission, and for necessary office and traveling expenses of the commission, one hundred and twenty thousand dollars (\$120,000), or so much thereof as may be necessary.

For deficiency in appropriation for allowances to officers to assist in uniforming and equipping themselves, and organizations, for the purpose of defraying necessary military expenses, under the provisions of sections one hundred and fifty-six and one hundred and fifty-seven of the military code, fourteen thousand six hundred twenty-five dollars and seventy-six cents (\$14,625.76), or so much thereof as may be necessary.

For the general expenses of the national guard and office of the adjutant-general, to reimburse expenditures made in connection with mobilization of troops at Albany to participate in inaugural ceremonies and for duty as escort to the governor, two thousand six hundred and forty-four dollars and fourteen cents (\$2,644.14), or so much thereof as may be necessary.

For deficiency in appropriation for pensions to members of the national guard and naval militia, and pay and care for the same when injured or disabled in service, pursuant to sections one hundred and sixty-two and one hundred and sixty-five of the military code; and for expense of examination of claims under said act, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For George W. Herniman, late second lieutenant sixty-fifth regiment national guard, for arrears of pension, ten thousand one hundred and eleven dollars and seventy-three cents (\$10,111.73).

For the payment of the county of Steuben for the cost of reconstructing the sidewalk surrounding the armory in the city of Hornell and for the cost of electric fittings made necessary by change and improvements made under the direction of the armory commission, seven hundred and seventy dollars (\$770), or so much thereof as may be necessary, to be paid upon the audit of the armory commission.

For the organization of a division of the naval militia at

Buffalo, including arms, equipments, colors, camp and garrison equipage, books of instruction and of record, and for such other supplies and general expenses as may be necessary, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

PRISON DEPARTMENT.

For securing additional instruction in the several state prisons, three thousand dollars (\$3,000), or so much thereof as may be necessary, to be expended under the direction of the superintendent of state prisons.

For the salary of one assistant physician at Clinton prison, fifteen hundred dollars (\$1,500).

For deficiency in appropriation for support and maintenance of Matteawan state hospital for insane criminals for the fiscal year ending September thirtieth, nineteen hundred and seven, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For deficiency in appropriation for support and maintenance of Dannemora state hospital for insane convicts for the fiscal year ending September thirtieth, nineteen hundred and seven, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For deficiency in appropriation for the support and maintenance of the several state prisons including ordinary repairs thereof, and supplying water therefor, for the fiscal year ending September thirtieth, nineteen hundred and seven, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

PRISON SCHOOLS.

For the salaries of three head teachers, twelve hundred dollars each, three thousand six hundred dollars (\$3,600).

For school and library books, eighteen hundred dollars (\$1,800).

For school apparatus and supplies, fifteen hundred dollars (\$1,500).

For an additional story on cotton shop at Clinton prison eight thousand dollars (\$8,000).

For repairs to engine house and dynamo at Sing Sing, recently damaged by fire, three thousand dollars (\$3,000) and for repair and replacement of machinery so damaged, fifteen hundred dollars (\$1,500), or so much thereof as may be necessary, to be expended under the direction of the superintendent of state's prisons and paid from the capital fund of said prisons.

MAINTENANCE OF CONVICTS.

For deficiency in appropriation for the payment of the accounts rendered by the several penitentiaries of the state for the fiscal year ending September thirtieth, nineteen hundred and six, for the maintenance of convicts and tramps sentenced to said penitentiaries pursuant to law, thirteen thousand six hundred dollars (\$13,600), or so much thereof as may be necessary.

DEPARTMENT OF PUBLIC BUILDINGS.

For the compensation of the secretary to the trustees of public buildings, one thousand dollars (\$1,000).

For the extraordinary repairs and ordinary maintenance of the senate house at Kingston, to be expended in the discretion of the superintendent of public buildings, three hundred dollars (\$300), or so much thereof as may be necessary.

For painting and other incidental repairing and furnishings necessary to preserve and renew the buildings, premises and property in charge of the superintendent of public buildings, and to be expended in his discretion, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For renewing, repairs and improvements to the conductor pipes and drainage of the state hall, twelve hundred dollars (\$1,200), or so much thereof as may be necessary.

The sum of sixteen thousand three hundred seventy-nine dollars and forty-five cents (re. \$16,379.45), or so much thereof as may be necessary, being a portion of the unexpended balance of an appropriation made by chapter six hundred and eighty-three, laws of nineteen hundred and six, for lighting and necessary fixtures and appliances therefor, is hereby reappropriated for renewing, repairs and improvements and the electric wiring of the capitol and for coal, fuel and services of employees in the heating and lighting plant of the capitol.

The sum of nineteen thousand eight hundred and ten dollars and thirty-seven cents (re. \$19,810.37), or so much thereof as may be necessary, being the unexpended balance of an appropriation made by chapter seven hundred, laws of nineteen hundred and five, for the necessary renewal, repair and improvement of the plumbing and drainage systems of the public buildings under the control of the trustees of public buildings and of the fixtures and appliances connected therewith, is hereby reappropriated for the same purpose.

LEGISLATIVE PRINTING.

For printing twenty-five thousand copies of the forest, fish and game laws in nineteen hundred and six pursuant to chapter six hundred and fifty-six, laws of nineteen hundred and six; and seven thousand additional copies of the report of the special tax commission ordered by concurrent resolution, February twentieth, nineteen hundred and seven; and twenty-five hundred copies of the annual report of the fiscal supervisor ordered by resolution of the assembly, February twentieth, nineteen hundred and seven; and five thousand copies of the report of the commissioners of the state of New York at the Louisiana purchase exposition held at Saint Louis in nineteen hundred and four, ordered by concurrent resolution, April eleventh, nineteen hundred and seven.

For printing five thousand copies of the memorial proceedings of the senate upon the death of honorable Timothy E. Ellsworth, ordered by resolution of the senate, April fifteenth, nineteen hundred and four; and three thousand copies of the memorial proceedings of the senate upon the death of honorable Henry S. Ambler, ordered by concurrent resolution, March fourteenth, nineteen hundred and six; and ten thousand copies of the memorial proceedings of the assembly upon the death of honorable Samuel F. Nixon, ordered by concurrent resolution, April twenty-six, nineteen hundred and six; and five thousand additional copies thereof, ordered by concurrent resolution, May third, nineteen hundred and six; and five hundred copies of the memorial proceedings of the assembly upon the death of honorable Charles S. Plank, ordered by resolution of the assembly, February twentieth, nineteen hundred and seven.

And for printing four hundred copies of all general bills of the assembly, two hundred and fifty copies of all general bills of the senate, two hundred copies of other assembly bills, one hundred and twenty-five copies of other senate bills ordered by resolution of the assembly, January twenty-fourth, nineteen hundred and seven; and ten thousand copies of assembly bill, introductory number one thousand eighty-three, ordered by resolution of the assembly, March seventh, nineteen hundred and seven; and one thousand copies of assembly bill, introductory number nine hundred and twenty-six, ordered by resolution of the assembly, March seventh, nineteen hundred and seven; and two thousand copies of assembly bill, introductory number five hundred and sixty-seven, ordered by resolution of the assembly, March seventh, nine-

teen hundred and seven; and one thousand copies of senate bill, introductory number five hundred and seventy-six, ordered by resolution of the senate, March seventh, nineteen hundred and seven; and five thousand copies of assembly bill, introductory number six hundred and seventy-three, ordered by resolution of the assembly, March nineteenth, nineteen hundred and seven; and two thousand copies of assembly bill, introductory number four hundred and thirty-five, ordered by resolution of the assembly, March nineteenth, nineteen hundred and seven, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, to be paid from any appropriation available for legislative printing.

For printing twenty-five hundred copies of senate bill number five hundred twenty-eight, ordered by resolution of the senate March fifteenth, nineteen hundred and six; and twenty-five hundred copies of senate bill number five hundred seventeen, ordered by resolution of the senate, March fifteenth, nineteen hundred and six; and twenty-five hundred copies of senate bill number five hundred eighteen, ordered by resolution of the senate, March fifteenth, nineteen hundred and six; and twenty-five hundred copies of senate bill number five hundred nineteen, ordered by resolution of the senate, March fifteenth, nineteen hundred and six; and twenty-five hundred copies of senate bill number five hundred twenty, ordered by resolution of the senate, March fifteenth, nineteen hundred and six; and twenty-five hundred copies of senate bill number five hundred twenty-one, ordered by resolution of the senate, March fifteenth, nineteen hundred and six; and twenty-five hundred copies of senate bill number five hundred twenty-two, ordered by resolution of the senate, March fifteenth, nineteen hundred and six; and twenty-five hundred copies of senate bill number five hundred twenty-three, ordered by resolution of the senate, March fifteenth, nineteen hundred and six; and twenty-five hundred copies of senate bill number five hundred fifty-six, ordered by resolution of the senate, March fifteenth, nineteen hundred and six; and twenty-five hundred copies of senate bill number five hundred sixty-two, ordered by resolution of the senate, March fifteenth, nineteen hundred and six; and five hundred copies of senate bill number sixteen, ordered by resolution of the senate, March twenty-fifth, nineteen hundred and six; and thirty copies of senate bill number one thousand, by direction of the senate clerk; and forty copies of senate bill number twelve hundred ninety-five by direction of

finance committee; and three hundred fifty additional copies of each senate bill ordered by resolution of assembly, January nineteenth, nineteen hundred and six; and five hundred additional copies of each assembly bill ordered by resolution of assembly, January nineteenth, nineteen hundred and six; and one thousand copies of assembly bill number six hundred eighty-five, ordered by resolution of assembly, February twenty-second, nineteen hundred and six; and ten thousand copies of assembly bill number nine hundred sixty-nine, ordered by resolution of assembly, February twenty-third, nineteen hundred and six; and ten thousand copies of assembly bill number nine hundred sixty-eight, ordered by resolution of assembly, February twenty-third, nineteen hundred and six; and ten thousand copies of assembly bill number nine hundred sixty-seven, ordered by resolution of assembly, February twenty-third, nineteen hundred and six; and ten thousand copies of assembly bill number nine hundred sixty-six, ordered by resolution of assembly, February twenty-third, nineteen hundred and six; and ten thousand copies of assembly bill number nine hundred sixty-five, ordered by resolution of the assembly, February twenty-third, nineteen hundred and six; and ten thousand copies of assembly bill nine hundred sixty-four, ordered by resolution of assembly, February twenty-third, nineteen hundred and six; and ten thousand copies of assembly bill number nine hundred sixty-three, ordered by resolution of the assembly, February twenty-third, nineteen hundred and six; and ten thousand copies of assembly bill number nine hundred ninety-six, ordered by resolution of assembly, February twenty-third, nineteen hundred and six; and ten thousand copies of assembly document number forty-one, ordered by resolution of the assembly, February twenty-third, nineteen hundred and six; and twenty-five copies of assembly bill number nine hundred ninety-seven, ordered by resolution of assembly, February twenty-eight, nineteen hundred and six; and five hundred copies of assembly bill number thirty-three, ordered by resolution of the assembly, March sixteenth, nineteen hundred and six; and three thousand copies of assembly document number forty-four, ordered by resolution of the assembly, April fifth, nineteen hundred and six; and five hundred copies of assembly bill number fifteen hundred thirty-nine, ordered by resolution of the assembly, April thirteenth, nineteen hundred and six; and one thousand copies of assembly bill number eighteen hundred, ordered by resolution of assembly, April nineteenth, nineteen hundred and six; and forty copies of assem-

bly bill number seventeen hundred sixty-three, by direction of the clerk of the assembly; and fifty copies of assembly bill number nineteen hundred eight, by direction of the clerk of the assembly; and fifty copies of assembly document number six; and five thousand copies of assembly bill number one thousand thirty, ordered by resolution of the senate, March fifteenth, nineteen hundred and six; and five thousand copies of assembly bill number one thousand twenty-nine, ordered by resolution of the senate, March fifteenth, nineteen hundred and six; and five thousand copies of assembly bill number eighteen hundred seventy-four, ordered by resolution of the senate, April second, nineteen hundred and six; and five thousand copies number eighteen hundred seventy-five, ordered by resolution of the senate, April second, nineteen hundred and six; and five thousand copies of assembly bill nineteen hundred nine, ordered by resolution of the senate, April second, nineteen hundred and six; and eleven thousand copies of assembly document number forty-one, ordered by resolution of the senate, March fifteenth, nineteen hundred and six, six thousand four hundred eighty-four dollars and seventeen cents (\$6,484.17), or so much thereof as may be necessary, to be paid for from any appropriation available for legislative printing.

For printing two hundred and fifty copies of the proceedings of the judiciary committee of the senate upon the recommendation of the governor for the removal of Otto Kelsey as superintendent of insurance, one thousand sixty-eight dollars and fifty cents (\$1,068.50), or so much thereof as may be necessary.

All of which are hereby legalized and confirmed, and shall have the same force and effect as if the work therein ordered had been ordered by statute; and shall be paid for at the amount audited by the comptroller in accordance with the contract rate price fixed therefor in the contract for legislative printing for the years in which such printing and binding was done; and the amounts so audited and allowed shall be paid upon the filing of proper receipts in full for said items.

DEPARTMENT OF PUBLIC WORKS.

For cleaning out state ditches along the Erie and Champlain canals, to prevent further overflow of land and damage to private property in the vicinity of said ditches, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

Ten thousand dollars (\$10,000), or so much thereof as may

be necessary, is hereby appropriated from the canal fund to pay for the services of the agent employed by the superintendent of public works on the request of the attorney-general, as provided in section two hundred and seventy of the code of civil procedure, in defense of claims against the state on account of the canals, and for disbursements incurred by him, including the payment for such assistants as shall be necessary in the preparation of cases, such sum to be advanced to said agent by the comptroller in such sums as may be approved by him upon such agent filing with the comptroller a good and sufficient bond in the penalty of ten thousand dollars, for which advances vouchers shall be rendered.

For the salary and necessary traveling expenses of an engineer to be employed by the superintendent of public works to act in an advisory capacity, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be paid from moneys received from the sale of bonds, pursuant to the provisions of chapter one hundred and forty-seven, laws of nineteen hundred and three.

For construction, repairing and maintaining highways and bridges on the various Indian reservations of the state, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For cleaning out Steel creek in the village of Ilion and constructing a retaining wall for the same between the armory dam and the state dam in said village to prevent overflow from the creek, seven thousand dollars (\$7,000), or so much thereof as may be necessary.

For repairing the present sea-wall at the foot of Owasco lake in Cayuga county and constructing an extension thereto for about five hundred feet easterly from the easterly end of the present sea-wall to protect the highway at the foot of said lake, eight thousand five hundred dollars (\$8,500), or so much thereof as may be necessary.

For removing dead and floating timber and clearing and rendering safe Saranac river and its tributaries between Lake Flower and the state dam in township twenty-four, Franklin county, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For removing dead and floating timber, and clearing and rendering safe Saranac river between Rainbow dam and Lake Kushaqua, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For removing dead and floating timber from the Deer river flow above the dam at Duane, on lot eighteen, township twelve, old military tract, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For removing dead timber, stumps and snags to render safe the lower end of Tupper lake and Racquette pond and the flowed land between the same in township twenty-two, Franklin county, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For cleaning out and improving the channel of the Genesee river between Rochester and Avon, in the counties of Monroe and Livingston, to permit the free movement of ice and spring floods and to facilitate navigation, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For removing fallen trees, timber and rubbish from the outlet of Ballston lake from the east line road to said lake and for cleaning, deepening and widening the channel thereof, fifteen hundred dollars (\$1,500), or so much thereof as may be necessary.

For constructing a wall or dike on the northerly side of Oneida creek in the village of Oneida Castle to protect the embankment and roadway along said creek, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary.

The sum of five hundred dollars (\$500), or so much thereof as may be necessary, being part of the balance remaining unexpended of the appropriation made by chapter four hundred and twenty-seven, laws of nineteen hundred, and by chapter six hundred and eighty-eight, laws of nineteen hundred and one, as reappropriated by chapter six hundred and sixteen, laws of nineteen hundred and two, and chapter five hundred and seventy-three, laws of nineteen hundred and three, for the construction of the state dam and lock in the Saranac river, in the town of Harriets-town, Franklin county, is hereby reappropriated for the repair of the said lock.

For improving defective drainage conditions on the lake level of the Chemung canal between the villages of Watkins and Montour Falls and on Catherine creek and its tributaries at Montour Falls, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

For repairing the pier at the outlet of Keuka lake at Penn Yan, Yates county, twenty-five hundred dollars (\$2,500), or so much

thereof as may be necessary, in addition to the sum appropriated therefor by chapter four hundred and eighty-three, laws of nineteen hundred and six.

RAILROAD COMMISSION.

The sum of one hundred and sixty-six thousand four hundred forty-seven dollars and ninety-nine cents (re. \$166,447.99), being the unexpended balance of an appropriation made by chapter seven hundred, laws of nineteen hundred and five, and the sum of one hundred thousand dollars (re. \$100,000), being the unexpended balance of an appropriation made by chapter seven hundred and one, laws of nineteen hundred and five, for the abolition of grade crossings, are hereby reappropriated for the same purpose.

The sum of seventy-five thousand dollars (re. \$75,000), being the unexpended balance of an appropriation made by chapter seven hundred, laws of nineteen hundred and five, to apply toward the abolition of grade crossings in the city of Schenectady, pursuant to chapter three hundred and seventy-six, laws of nineteen hundred and two, is hereby reappropriated for the same purpose.

For the abolition of grade crossings pursuant to chapter seven hundred and fifty-four, laws of eighteen hundred and ninety-seven, and the acts amendatory thereof, three hundred thousand dollars (\$300,000), or so much thereof as may be necessary.

For the salary of a railroad inspector for the New York office from June first to October first, nineteen hundred and seven, six hundred sixty-six dollars and sixty-seven cents (\$666.67), or so much thereof as may be necessary; and the salary of a general railroad inspector from June first to October first, nineteen hundred and seven, one thousand dollars (\$1,000), or so much thereof as may be necessary; and the additional salaries of two stenographers from June first to October first, nineteen hundred and seven, five hundred dollars (\$500), or so much thereof as may be necessary; which aggregate amount of two thousand one hundred sixty-six dollars and sixty-seven cents (\$2,166.67) shall be refunded to the treasurer by the several corporations owning or operating railroads in this state in the manner and proportion prescribed by law.

STATE BOARD OF TAX COMMISSIONERS.

For salaries of special agents, one thousand nine hundred and thirty-three dollars and seventy-five cents (\$1,933.75), for ex-

penses of special agents, six hundred and fifty-one dollars and fifty-five cents (\$651.55); for salaries and expenses of expert appraisers, one thousand dollars (\$1,000), or so much thereof as may be necessary in addition to any appropriation made therefor.

STATE WATER SUPPLY COMMISSION.

For the salaries of the state water supply commissioners and the consulting engineer of said commission, for the months of August and September, nineteen hundred and six, five thousand eight hundred and thirty-three dollars and thirty-four cents (\$5,833.34).

For making preliminary surveys and investigations to carry out the provisions of sections three and four of chapter seven hundred and thirty-four of the laws of nineteen hundred and four, fifteen thousand dollars (\$15,000).

For making preliminary surveys and investigations on the Genesee river in conformity to the petition of the board of supervisors of Monroe county, and to carry out the provisions of sections three and four of chapter seven hundred thirty-four of the laws of nineteen hundred and four, twenty-five thousand dollars (\$25,000).

For making preliminary surveys and investigations to provide a reservoir or reservoirs for the surplus waters of Deer river in Lewis county, one thousand dollars (\$1,000), or so much thereof as may be necessary.

The last three above sums, amounting to forty-one thousand dollars, shall be returned to the treasury of the state by the state comptroller when the same are paid to him on assessments on the property benefited.

DEPARTMENT OF WEIGHTS AND MEASURES.

For the salary of the state superintendent of weights and measures, one thousand five hundred dollars (\$1,500), and for the expenses of the state superintendent of weights and measures, actually and necessarily incurred in the performance of his duties, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For stationery, postage, printing, stenographic services and other office expenses, one thousand eight hundred dollars (\$1,800), or so much thereof as may be necessary.

For repairing existing state weights and measures and for sending the same to the national bureau of standards and returning the same, including the expense of packing and transportation, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

FISCAL SUPERVISOR OF STATE CHARITIES.

For deficiency in the appropriation for the current fiscal year for postage and express, three hundred and fifty dollars (re. \$350), or so much thereof as may be necessary, to be reappropriated from any unexpended balances in the department's appropriation.

STATE CHARITABLE INSTITUTIONS.

REFUNDS.

The following sums shall be paid from the money paid into the treasury of the state under section thirty-seven of the state finance law, as added by chapter five hundred and eighty, laws of eighteen hundred and ninety-nine, and amended by chapter four hundred and fifty-seven, laws of nineteen hundred and one:

For the New York state school for the blind at Batavia, two thousand dollars (\$2,000); for the New York state institution for feeble-minded children at Syracuse, thirteen thousand and eighty-nine dollars and thirty-four cents (\$13,089.34); for the New York state reformatory at Elmira, thirty thousand dollars (\$30,000); for the Craig colony for epileptics at Sonyea, thirty-four thousand and eighty-eight dollars and twenty-nine cents (\$34,088.29).

The amount so paid into the state treasury under the provision of such section on account of clothing furnished to inmates, miscellaneous sales and from other sources, excepting the proceeds of the products of industries and farms, shall be expended for maintenance; the amount so paid from the proceeds of the products of the industries and farms of such institutions shall be expended for the development, maintaining and extending of the agricultural and industrial departments thereof.

NEW YORK STATE REFORMATORY, ELMIRA.

For deficiency in the maintenance account for the fiscal year ending September thirtieth, nineteen hundred and seven, made necessary by the increase of salaries of guards, five thousand dollars (\$5,000).

NEW YORK STATE SOLDIERS' AND SAILORS' HOME, BATH.

To reimburse the maintenance fund for the fiscal year ending September thirtieth, nineteen hundred and seven, for expenditures from it for equipment made necessary by increase of population, nine hundred and six dollars and seventy-five cents (\$906.75).

THOMAS INDIAN SCHOOL, IROQUOIS.

To reimburse the maintenance fund for the fiscal year ending September thirtieth, nineteen hundred and seven, for expenditures from it for a boiler and the setting of the same, fourteen hundred and eighty dollars (\$1,480).

NEW YORK STATE HOSPITAL FOR TUBERCULOSIS, RAY BROOK.

For the New York state hospital for the treatment of incipient pulmonary tuberculosis at Ray Brook, for sanitary floorings in toilet and bathrooms and scullery, fourteen hundred and seventy-five dollars and eighty-six cents (\$1,475.86).

STATE INDUSTRIAL SCHOOL.

For the salary of a custodian at the state industrial school in Rochester which is about to be vacated by its present occupants, two thousand dollars (\$2,000), or so much thereof as may be necessary.

CRAIG COLONY FOR EPILEPTICS AT SONYEA.

For a pavilion or pavilions for contagious diseases at Craig colony for epileptics at Sonyea to replace one recently destroyed by fire, three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary.

REAPPROPRIATIONS.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes, as follows, namely:

For the Western house of refuge for women at Albion, under chapter seven hundred and three, laws of nineteen hundred and five, for two cottages, eight hundred and forty-nine dollars and twenty cents (re. \$849.20); for assembly hall, twenty-four hundred and sixty-one dollars and nine cents (re. \$2,461.09); for repairs and equipment, seven hundred and sixty-two dollars and seventy-six cents (re. \$762.76).

For the New York state school for the blind at Batavia, under

chapter seven hundred, laws of nineteen hundred and five, for laundry equipment, two hundred and twenty-nine dollars and seventy-seven cents (re. \$229.77).

For the New York state soldiers' and sailors' home at Bath, under chapter seven hundred and three, laws of nineteen hundred and five, for alterations in engineering department, including eight-inch exhaust, traps, drips and water-line in basement of mess hall and icehouse, one hundred and seventy-five dollars and six cents (re. \$175.06).

For the New York state reformatory for women at Bedford, under chapter seven hundred and three, laws of nineteen hundred and five, for two cottages for inmates, twelve thousand one hundred and ten dollars and forty cents (re. \$12,110.40); for furnishing and equipment for two cottages, sixteen hundred and fifty-one dollars and sixteen cents (re. \$1,651.16); for cottage for employees, twenty-three hundred and twenty-four dollars (re. \$2,324); for duplicate dynamo and engine, one hundred and ninety-four dollars and seventy-five cents (re. \$194.75); for repairs and equipment, one hundred and eight dollars and eighty-two cents (re. \$108.82).

For the New York state reformatory at Elmira, under chapter seven hundred, laws of nineteen hundred and five, for electric cables, wires, et cetera, two hundred and sixty-seven dollars (re. \$267); for plumbing, sewage repairs and reconstruction, thirteen hundred and eighty-three dollars and sixty-one cents (re. \$1,383.61); for repairs to electric plant, two hundred and forty dollars and twenty-two cents (re. \$240.22); for plumbing in cell blocks, one hundred and seventy dollars and eleven cents (re. \$170.11); under chapter seven hundred and three, laws of nineteen hundred and five, for steam heating plant and conduits, five hundred and eighteen dollars and sixty-eight cents (re. \$518.68); for repairs and equipment, sixteen hundred and seventy-one dollars and thirty-four cents (re. \$1,671.34).

For the New York state training school for girls at Hudson, under chapter seven hundred and three, laws of nineteen hundred and five, for contact bed for sewage disposal plant, one thousand dollars (re. \$1,000).

For Thomas Indian school at Iroquois, under chapter seven hundred and three, laws of nineteen hundred and five, for plumbing in employees' cottages, one hundred and twenty dollars and fifty-five cents (re. \$120.55).

For the New York state custodial asylum at Newark, under chapter seven hundred, laws of nineteen hundred and five, for sewage disposal plant, forty-four hundred and ninety-nine dollars and ninety-one cents (re. \$4,499.91); under chapter seven hundred and three, laws of nineteen hundred and five, for two cottage dormitories, eighteen thousand six hundred and twenty-four dollars and five cents (re. \$18,624.05).

For the New York state women's relief corps home at Oxford, under chapter seven hundred, laws of nineteen hundred and five, for furnishing cottage D, two hundred and four dollars and thirty-two cents (re. \$204.32); for conduits, piping and repairs to steam plant, three hundred and fifty-five dollars and sixty-two cents (re. \$355.62).

For the New York house of refuge on Randall's island, under chapter seven hundred, laws of nineteen hundred and five, for repairs and equipment, seventy-nine dollars and eighty-five cents (re. \$79.85); for completing steam plant repairs, fifty-six dollars and sixty-six cents (re. \$56.66).

For the New York state hospital for the treatment of incipient pulmonary tuberculosis at Ray Brook, under chapter seven hundred, laws of nineteen hundred and five, for equipment of laboratory, three hundred and seventy-seven dollars and sixty-nine cents (re. \$377.69); for construction and equipment, twenty-three hundred and ninety-six dollars and sixty cents (re. \$2,396.60).

For the state agricultural and industrial school at Rush, formerly appropriated for the state industrial school at Rochester, under chapter seven hundred, laws of nineteen hundred and five, for site and buildings, six hundred and ninety-two dollars and ninety cents (re. \$692.90); under chapter seven hundred and three, laws of nineteen hundred and five, for fruit trees and plants, one hundred and sixty-six dollars and ten cents (re. \$166.10); for five cottages, eighty-nine dollars and forty-three cents (re. \$89.43).

For the Craig colony for epileptics at Sonvea, under chapter seven hundred, laws of nineteen hundred and five, for dormitories, four hundred and twenty-five dollars and eight cents (re. \$425.08); under chapter seven hundred and three, laws of nineteen hundred and five, for dormitories for two hundred patients, thirty-six thousand four hundred and sixty-nine dollars and eighty-eight cents (re. \$36,469.88); for hospital instruments, books and equipment, two hundred and forty-four dollars and sixty-nine cents (re. \$244.69).

For the New York state hospital for the care of crippled and deformed children at West Haverstraw, under chapter seven hundred and three, laws of nineteen hundred and five, for sewers and connections, eleven hundred and sixty-three dollars and thirty cents (re. \$1,163.30).

The following unexpended balances of former appropriations are hereby reappropriated for the purposes stated, as follows:

For the eastern New York reformatory at Napanoch, under chapter seven hundred, laws of nineteen hundred and five, for window guards, new mess hall, six hundred and three dollars and ninety-two cents (re. \$603.92); for the purchase of land damaged by change of water-course, fourteen hundred dollars (re. \$1,400); under chapter seven hundred and four, laws of nineteen hundred and five, for grading and improving grounds, six hundred and twenty-seven dollars and forty-five cents (re. \$627.45); for furnishing mess hall and kitchens, eight hundred and thirty-five dollars and eighty-nine cents (re. \$835.89); for furnishing and equipping storehouse, eight hundred and sixteen dollars and forty-nine cents (re. \$816.49); for furnishing and equipping physician's office, one hundred and fifty dollars (re. \$150); for two boilers, three thousand dollars (re. \$3,000); for trade school and shop building, two thousand four hundred and eighty-six dollars and twenty-five cents (re. \$2,486.25).

For the New York state reformatory at Elmira, under chapter one hundred and forty-five, laws of nineteen hundred and five, for buildings and equipment destroyed by fire, fifteen hundred and forty-five dollars and fifty-one cents (re. \$1,545.51), to be reappropriated for repairs and equipment, under chapter seven hundred, laws of nineteen hundred and five, for spillway, three hundred and seventy-five dollars and forty cents (re. \$375.40), to be reappropriated for plumbing, sewage repairs and reconstruction.

For the New York state woman's relief corps home at Oxford, under chapter seven hundred, laws of nineteen hundred and five, cottage for farmer, thirteen hundred and one dollars and forty-five cents (re. \$1,301.45), to be reappropriated for vegetable cellar; under chapter seven hundred and three, laws of nineteen hundred and five, for direct connected engine and dynamo, eighteen hundred and sixty-four dollars and forty-one cents (re. \$1,864.41), to be reappropriated for repairs and equipment.

For the New York house of refuge on Randall's island, under chapter three hundred and seventy-four, laws of nineteen hundred

and six, for electric equipment, five thousand dollars (re. \$5,000), to be reappropriated for repairs, equipment and window sash.

NEW YORK MONUMENTS COMMISSION.

For salary of engineer and secretary and necessary employees, and for such other expenses as may be required for the work of said commission, including actual and necessary traveling and other contingent expenses incurred by said commissioners in the discharge of their duties, and for compensation for their services, as provided for in section six of chapter three hundred and seventy-one of the laws of eighteen hundred ninety-four, and the provisions of chapter two hundred sixty-nine, laws of eighteen hundred eighty-seven, nine thousand dollars (\$9,000), or so much thereof as may be necessary.

For transportation to Gettysburg of fifty survivors of each of the nine New York regiments represented in the "night fight" on Culp's Hill, July second, eighteen hundred and sixty-three, to be designated by their respective regimental organizations, to attend the dedication of the statue to Brevet Major-General George Sears Greene, deceased, erected by the state on the battlefield, together with the governor, the family of General Greene, and invited guests, eight thousand dollars (\$8,000), or so much thereof as may be necessary, to be paid by the treasurer on the warrant of the comptroller on vouchers approved by the New York monument commissioners.

For the New York monuments commission for the battlefields of Gettysburg and Chattanooga, twenty-five hundred dollars (\$2,500) for the purchase of land for a suitable site on the battlefield of Antietam, Maryland, for a proposed monument to the New York troops that took part in the battles of Antietam and in the passes of South Mountain, September fourteenth and seventeenth, eighteen hundred sixty-two, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary, to be paid by the treasurer on the warrant of the comptroller upon proper vouchers duly certified by the presiding officer of said board of commissioners.

For the erection of a suitable monument in the national cemetery at Cold Harbor, Virginia, to commemorate the services of the Eighth New York Heavy Artillery who were engaged in the battle of Cold Harbor, Virginia, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary, to be paid by the treasurer on the warrant of the comptroller upon proper

vouchers duly certified by the presiding officer of said board of commissioners.

STATE FAIR COMMISSION.

For the state fair commission for the payment of premiums at the state fair to be held in the year nineteen hundred and seven, thirty thousand dollars (\$30,000), or so much thereof as may be necessary. In addition thereto said commission is authorized to pay from the race and other entry fees, gate admissions and other receipts of such fair such expenses as shall be necessary for the proper conduct of the fair, vouchers for which approved by said commission shall be filed with, and the remainder of such receipts paid to the comptroller, on or before the first day of January thereafter.

BOARD OF STATUTORY CONSOLIDATION.

For completing the work of the board and the preparation of its final report, to be presented at the next session of the legislature, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

For reimbursing the county of Onondaga for expenses incurred in investigating and prosecuting Edward L. Mooney as school commissioner of the city of Syracuse, charged with receiving bribes while acting as such official, four thousand nine hundred and ninety-two dollars and forty-eight cents (\$4,992.48), or so much thereof as may be necessary, pursuant to the provisions of section six of article thirteen of the constitution.

MISCELLANEOUS.

For the department of New York grand army of the republic, for incidental office expenses, including postage, printing, telegraph and telephone charges, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For deficiency in the appropriation for services and expenses of the commission to investigate the probation system, appointed pursuant to chapter seven hundred and fourteen, laws of nineteen hundred and five, one hundred dollars (\$100), or so much thereof as may be necessary.

For deficiency in the appropriation for the commission appointed to investigate the condition of the blind, pursuant to chapter six hundred and seventy-one, laws of nineteen hundred and six, two thousand six hundred dollars (\$2,600), or so much thereof as may be necessary.

For deficiency in the appropriation for the commission to inquire into the subject of taxation, appointed pursuant to chapter three hundred and forty-six, laws of nineteen hundred and six, two thousand six hundred and sixty-two dollars and fifty-five cents (\$2,662.55), or so much thereof as may be necessary.

For deficiency in the appropriation for the erection of a monument to the late President William McKinley, in Buffalo, including the claim of George W. Maltby, four thousand nine hundred forty-eight dollars and seventy-six cents (\$4,948.76), or so much thereof as may be necessary.

For the payment of services and disbursements authorized and expenses incurred by the attorney-general pursuant to law prior to January first, nineteen hundred and seven, in the actions in the circuit court of the United States for the southern district of New York brought to restrain the officers charged by law with the execution of the provisions of chapter one hundred and twenty-five of the laws of nineteen hundred and six, forty-seven thousand eight hundred fifty-four dollars and ninety-four cents (\$47,854.94), or so much thereof as may be necessary, to be audited by the comptroller upon the certificate of the attorney-general then in office.

For the payment of services and disbursements authorized and expenses incurred by the attorney-general pursuant to law between January first, nineteen hundred and five, and December thirty-first, nineteen hundred and six, inclusive, other than those specified in the last paragraph, thirty-five thousand dollars (\$35,000), or so much thereof as may be necessary, to be audited by the comptroller upon the certificate of the attorney-general then in office.

For the payment of disbursements authorized and incurred by attorneys-general pursuant to law, prior to January first, nineteen hundred and five, one thousand nine hundred eighteen dollars and fifty-eight cents (\$1,918.58), or so much thereof as may be necessary.

For Julius M. Mayer, for services and disbursements incurred subsequent to January first, nineteen hundred and seven, in the actions brought to determine the constitutionality of chapter four hundred and thirty-one of the laws of nineteen hundred and six, and for the argument thereon in the court of appeals, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the expenses of the commissioners appointed under the concurrent resolution of the senate and assembly passed April

fifteen, nineteen hundred and seven, to confer with commissioners of the state of Vermont and of the dominion of Canada in relation to the observance of the tercentenary of the discovery of Lake Champlain, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For Anna L. Scherer, widow of Robert G. Scherer, late miscellaneous reporter, to reimburse his estate for the deficiency in the appropriations for the miscellaneous reporter paid by him while holding that office, for the fiscal years beginning October first, nineteen hundred and one, and ending September thirtieth, nineteen hundred and five, four thousand twelve dollars and forty-three cents (\$4,012.43).

For James C. Marriot, stenographer of the senate, for reporting the proceedings before the senate judiciary committee upon the recommendation of the governor for the removal of Otto Kelsey as superintendent of insurance, and for the transcripts of the testimony furnished by him pursuant to agreement with the chairman of the committee, two thousand eight hundred and forty-seven dollars (\$2,847), or so much thereof as may be necessary.

For Owen L. Potter for preparing the table of laws amended and repealed by the laws of nineteen hundred and six, and which tables were published in the session laws of nineteen hundred and six as a part of the index thereof, three hundred dollars (\$300).

For salary of superintendent of Onondaga salt springs, as provided by chapter twenty-seven, laws of eighteen hundred and ninety-eight, fifteen hundred dollars (\$1,500).

For the care and maintenance of the Clinton house at Poughkeepsie, two hundred dollars (\$200), or so much thereof as may be necessary, and for repairs thereto, three hundred dollars (\$300).

For the maintenance and medical care by the Albany hospital or by the Saint Peter's hospital or by the Homeopathic hospital of such officers, members and employees of the several branches, departments, and bureaus of the state government located in Albany, as may be injured or become sick, while in the performance of their duties, one thousand dollars (\$1,000), said persons to be admitted upon the certificate of the trustees of public buildings through the superintendent of public buildings, after a proper certificate of disability signed by a member of the attending staff of the Albany hospital or by the Saint Peter's hospital or by the Homeopathic hospital, who shall be designated by him, shall have been filed with said superintendent.

For the secretary of state charities building commission for services, the sum of five hundred dollars (\$500).

For the health officer of the port of New York, for the purpose of repairing the roofs of the buildings under his control, at Fire Island, the sum of five hundred dollars (\$500), or so much thereof as may be necessary.

For the necessary expenses of the commission appointed pursuant to chapter seven hundred and eighteen, laws of nineteen hundred and four, as amended by chapter six hundred and seventeen, laws of nineteen hundred and six, to select a site for the New York state training school for boys, for surveying and mapping the lands of such site, and for the traveling expenses of the members of the commission while engaged in the performance of the duties as such, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the salary of the caretaker of the state reservation at Stony Point, and for water rent, and for insurance on buildings, and for the maintenance of the grounds, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the salary of the caretaker or superintendent of Watkins Glen, one thousand dollars (\$1,000) and for the salary of two employees, one thousand dollars (\$1,000), and for the necessary expenses of the maintenance of said property, one thousand five hundred and eighty dollars (\$1,580).

For permanent repairs and betterments in Watkins Glen, as follows: for stairs, two thousand nine hundred and fifty-eight dollars (\$2,958); for railing, four thousand four hundred and fifty-five dollars (\$4,455); for bridges, one thousand fifty dollars (\$1,050); for rock excavation, concrete and general repairs, eight thousand five hundred and forty-four dollars (\$8,544).

For the New York state college of agriculture at Cornell university and to complete the equipment of the buildings erected by the state, and to provide apparatus, materials and supplies to be used in connection with the same, the sum of forty-five thousand dollars (\$45,000), or so much thereof as may be necessary; and for the erecting and equipping of barns to provide for farm products and implements and to house horses, cattle, sheep, swine and poultry, the sum of twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

For the New York school of agriculture at Saint Lawrence university, for salaries and maintenance in connection with the same,

the sum of nine thousand dollars (\$9,000), or so much thereof as may be necessary.

For necessary repairs of Grant cottage on Mount McGregor, for care and maintenance of the grounds surrounding the same, for care and improvements of the highway leading thereto, the sum of two hundred fifty dollars (\$250), or so much thereof as may be necessary.

For the commissioners of the Jamestown ter-centennial exposition for the purposes authorized by chapter seven hundred twenty-one of the laws of nineteen hundred and five, the sum of seventy-three thousand dollars (\$73,000) to be paid by the treasurer on the warrant of the comptroller as provided in section four of said chapter.

For William Henry Dennis, for services rendered to the attorney-general in connection with certain actions in the United States supreme court from November, eighteen hundred and ninety-eight, to April, nineteen hundred and one, five hundred dollars (\$500).

For the care, maintenance, repairs and improvements of Saratoga monument and grounds connected therewith, to be expended under the supervision of the comptroller, pursuant to the provisions of chapter five hundred and fifty-five, laws of eighteen hundred and ninety-five, four hundred dollars (\$400), or so much thereof as may be necessary.

§ 2. No manager, trustee or other officer of any state, charitable or other institution receiving moneys under this act from the state treasury for maintenance and support shall be individually interested in any purchase, sale or contract made by any officer for any of said institutions.

In accounts for repairs or new work not done under contract provided for in this act the name of each workman, the number of days he is employed, and the rate and amount of wages paid to him shall be given. If contracts are made for repairs or new work, or for supplies, duplicates thereof, with specifications, shall be filed with the comptroller.

Moneys herein appropriated or reappropriated for building or structural work, or for the repair, improvement or furnishing thereof, or for the purchase or improvement of grounds, or for labor, salaries or maintenance shall only be advanced to the proper authorities as the work progresses or the purchase is made and upon bills duly certified, rendered and audited.

§ 3. This act shall take effect immediately.

(No. 42.)

AN ACT making appropriations for the support of government.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The several amounts named in this act are hereby appropriated and authorized to be paid from the several funds indicated, to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the first day of October, in the year nineteen hundred seven, namely:

FROM THE GENERAL FUND.

EXECUTIVE DEPARTMENT.

For the salaries:

- of the governor, ten thousand dollars (\$10,000);
- lieutenant-governor, five thousand dollars (\$5,000);
- secretary to the governor, four thousand dollars (\$4,000);
- counsel to the governor, five thousand dollars (\$5,000):
and for his actual and necessary traveling expenses
in the performance of his official duties, five hundred
dollars (\$500), or so much thereof as may be neces-
sary.
- military secretary, two thousand dollars (\$2,000);
- keeper and recorder of legislative bills, to which position
the military secretary may be assigned, fifteen hundred
dollars (\$1,500);
- pardon clerk, three thousand dollars (\$3,000);
- executive stenographer, two thousand five hundred dol-
lars (\$2,500);
- of the employees according to grade:
- seventh grade, one employee thirteen hundred dollars (\$1,300);
- sixth grade, three employees eleven hundred dollars each,
(\$3,300);
- and for temporary and other services, one thousand dollars
(\$1,000), or so much thereof as may be neces-
sary.

For furniture, books, binding, blanks, printing, messages and other necessary incidental office expenses, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, five hundred dollars (\$500), or so much thereof as may be necessary.

For incidental expenses of the executive mansion, rent of stable and equipage three thousand dollars (\$3,000) to be paid by the comptroller on the certificate of the governor.

NOTARIAL BUREAU.

For the salaries:

of the appointment clerk, twenty-five hundred dollars (\$2,500);
of the employees according to grade:

ninth grade, engrossing clerk, two thousand dollars (\$2,000);

seventh grade, two employees, fifteen hundred dollars each (\$3,000);

and for temporary and other services and expenses, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

JUDICIARY.

COURT OF APPEALS.

For the salaries:

of the judges of the court of appeals, seventy thousand five hundred dollars (\$70,500); for their necessary expenses, as provided by chapter seven hundred eighteen, laws of eighteen hundred seventy-one, fourteen thousand dollars (\$14,000); for their additional expense allowance as provided by chapter six hundred six, laws of eighteen hundred ninety-eight, eleven thousand nine hundred dollars (\$11,900).

of the justices of the supreme court serving as associate judges of the court of appeals, thirty thousand dollars (\$30,000); for their necessary expenses, as provided by chapter seven hundred eighteen, laws of eighteen hundred seventy-one, six thousand dollars (\$6,000); for their additional expense allowance as provided by chapter six hundred six, laws of eighteen hundred ninety-eight, five thousand one hundred dollars (\$5,100);

of clerks of judges of the court of appeals, appointed pursuant to section two hundred two of the code of civil procedure, and for

expenses of offices for judges of the court of appeals incurred pursuant to section two hundred three of said code, six thousand dollars (\$6,000), or so much thereof as may be necessary;

of a confidential clerk, appointed by the chief judge of the court of appeals, twenty-five hundred dollars (\$2,500).

of clerks appointed pursuant to section two hundred two of the code of civil procedure, by the justices of the supreme court assigned to serve as judges of the court of appeals, three thousand six hundred dollars (\$3,600).

of the crier, one thousand five hundred dollars (\$1,500);
consultation clerk, three thousand dollars (\$3,000);
stenographer and librarian, two thousand two hundred dollars (\$2,200);

of three attendants, one thousand five hundred dollars each (\$4,500);

one attendant, seven hundred fifty dollars (\$750);
law clerk, two thousand dollars (\$2,000);
attendant designated as assistant law clerk, one thousand seven hundred and fifty dollars (\$1,750);
messenger, one thousand dollars (\$1,000);

CLERK OF THE COURT OF APPEALS.

For the salaries:

of the clerk, five thousand dollars (\$5,000);
deputy clerk, three thousand dollars (\$3,000);
remittitur clerk, two thousand five hundred dollars (\$2,500);
certificate clerk, two thousand one hundred dollars (\$2,100);
chancery clerk, two thousand one hundred dollars (\$2,100);
stenographer to the clerk, one thousand five hundred dollars (\$1,500);
messenger to the clerk, six hundred dollars (\$600).

For furniture, books, binding, blanks, printing and other necessary incidental office expenses, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, eight hundred fifty dollars (\$850), or so much thereof as may be necessary.

LIBRARIES.

For books, binding and supplies for the fourteen judicial district libraries named in chapter four hundred, laws of eighteen hundred eighty, chapter four hundred forty-four, laws of eighteen hundred eighty-eight, chapter two hundred thirty-one, laws of eighteen hundred ninety-five, chapter thirty-two, laws of nineteen hundred two, and chapter two hundred fifty-four, laws of nineteen hundred four, six hundred dollars each (\$8,400), or so much thereof as may be necessary;

for the library of the judges of the court of appeals at Albany, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary;

for books, binding and supplies for the court of appeals library at Syracuse, one thousand seven hundred and fifty dollars (\$1,750), to be paid upon vouchers approved by the presiding justice of the appellate division of the fourth judicial department;

for books, binding and supplies for the library of the appellate division of the supreme court in the first judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court;

for the library of the appellate division of the supreme court in the second judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court;

for the library of the appellate division of the supreme court in the third judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court;

for the library of the appellate division of the supreme court in the fourth judicial department, two thousand dollars (\$2,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court, and for the salary of the librarian, three thousand dollars (\$3,000), which latter amount is to be refunded pursuant to the provisions of chapter two hundred fifty-eight, laws of nineteen hundred;

for the library of the trial terms of the supreme court in the first judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary;

for the eighth judicial district library at Buffalo, one thousand dollars (\$1,000), or so much thereof as may be necessary.

SUPREME COURT.

For the salaries of the justices of the supreme court, five hundred forty thousand dollars (\$540,000); and for the expenses of said justices, other than those in the first judicial district, as provided by chapter five hundred forty-one, laws of eighteen hundred seventy-two, seventy-two thousand dollars (\$72,000);

for compensation of justices of the supreme court designated to the appellate division of the second department from any district other than the second judicial district, to be refunded to the treasury, pursuant to chapter three hundred nine, laws of eighteen hundred ninety-eight, and chapter five hundred ninety-seven, laws of nineteen hundred one, forty-one thousand two hundred dollars (\$41,200);

for the compensation of the deputy clerk and attendants of the appellate division of the supreme court in the second judicial department, pursuant to chapter ninety-nine, laws of eighteen hundred ninety-six, as amended by chapter two hundred twenty-three, laws of eighteen hundred ninety-seven, and chapter four hundred fifty, laws of nineteen hundred, twelve thousand five hundred dollars (\$12,500) to be refunded to the treasury as provided by said laws;

for the compensation of confidential attendants of the appellate division of the supreme court, in the second judicial department, pursuant to chapter five hundred ninety-seven, laws of nineteen hundred two, as amended by chapter three hundred eighty-four, laws of nineteen hundred five, three thousand six hundred dollars (\$3,600) to be refunded to the treasury as provided by said laws;

for the necessary expenses of the several justices assigned to the appellate division of the supreme court, pursuant to chapter three hundred ninety, laws of eighteen hundred ninety-six, and chapter four hundred sixty-eight, laws of nineteen hundred one, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary;

for the justices of the supreme court residing in the territory formerly composing the second judicial district, not residing in the county of Kings, namely, those residing in the present second and ninth districts outside of said county, for additional compensation, pursuant to chapter seven hundred sixty-five, laws of eighteen hundred sixty-eight, as amended by chapter one hundred twenty-six, laws of eighteen hundred eighty-three, and chapter one hun-

dred thirty-one, laws of eighteen hundred ninety-eight, ninety-two thousand seven hundred dollars (\$92,700); and for the stenographers residing in the counties composing the present second and ninth judicial districts and appointed under said first named act as amended by chapter one hundred fourteen, laws of eighteen hundred ninety-four, for compensation, twenty-two thousand dollars (\$22,000), to be paid only from moneys which shall have been or shall be paid into the treasury for taxes levied for the purposes of said acts and in pursuance thereof;

for trial justices, who attend a term or part of the supreme court, except in the counties of New York and Kings, outside the county in which they reside, for actual and necessary traveling and other expenses, incurred pursuant to chapter four hundred thirty-one, laws of nineteen hundred, ten thousand dollars (\$10,000), or so much thereof as may be necessary;

for the stenographers of the supreme court, in the third, fourth, fifth, sixth, seventh and eighth judicial districts, for compensation, pursuant to sections two hundred fifty-eight and two hundred fifty-nine of the code of civil procedure, fifty-five thousand dollars (\$55,000), to be refunded to the treasury pursuant to chapter four hundred twenty-six, laws of eighteen hundred ninety;

for additional stenographers in the third and fourth judicial districts, for compensation and for actual and necessary expenses, eight thousand dollars (\$8,000), to be refunded to the treasury pursuant to chapter two hundred fifty-eight, laws of eighteen hundred ninety-three;

for compensation of confidential clerks to the justices of the supreme court, other than justices of the appellate division, residing in the second judicial district, not including the county of Kings, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter eight hundred ninety-two, laws of eighteen hundred ninety-six, and chapter seven hundred forty-seven, laws of nineteen hundred four;

for compensation of confidential clerks to resident trial justices of the supreme court in the fifth judicial district, six thousand dollars (\$6,000), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter eight hundred ninety-three, laws of eighteen hundred ninety-six, and chapter one hundred forty-five, laws of eighteen hundred ninety seven;

for compensation of confidential clerks to resident trial justices of the supreme court in the sixth and seventh judicial dis-

trials, to be refunded to the treasury, pursuant to chapter three hundred twenty-six, laws of eighteen hundred ninety-eight, ten thousand eight hundred dollars (\$10,800), or so much thereof as may be necessary;

for compensation of confidential clerks to resident trial justices of the supreme court in the eighth judicial district, to be refunded to the treasury, pursuant to chapter one hundred six, laws of eighteen hundred ninety-nine, eight thousand four hundred dollars (\$8,400), or so much thereof as may be necessary;

for compensation of confidential clerks to resident trial justices of the supreme court in the ninth judicial district, eight thousand dollars (\$8,000), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter six hundred ninety-six, laws of nineteen hundred six;

for compensation of confidential clerks to the justices of the supreme court designated to the appellate division of the second department, seventeen thousand five hundred dollars (\$17,500), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter two hundred fifty-one, laws of nineteen hundred;

for the compensation of case and consultation clerk of the appellate division of the supreme court in the second judicial department, pursuant to chapter eighty-eight, laws of nineteen hundred seven, two thousand four hundred dollars (\$2,400), to be refunded to the treasury as provided by said law;

for the salaries of the consultation clerk of the appellate division of the fourth department, two thousand one hundred dollars (\$2,100), and of the assistant to the clerk of said appellate division, one thousand dollars (\$1,000), to be refunded to the treasury as provided by section two hundred twenty-one of the code of civil procedure;

for expenses of the appellate divisions of the supreme court, for compensation of clerks, criers, attendants, and of stenographers and clerks to the justices and for their actual and necessary expenses, thirty-five thousand dollars (\$35,000), or so much thereof as may be necessary.

STATE REPORTER.

For the salaries:

of the state reporter, five thousand dollars (\$5,000);

deputy state reporter, three thousand seven hundred dollars (\$3,700);

managing clerk, two thousand one hundred dollars (\$2,100);

law clerk, one thousand eight hundred dollars (\$1,800).

For rent, furniture, books, stationery, messages and other necessary incidental office expenses, eleven hundred and twenty-five dollars (\$1,125).

SUPREME COURT REPORTER.

For the salaries:

of the supreme court reporter pursuant to chapter one hundred sixty-four, laws of nineteen hundred five, five thousand dollars (\$5,000);

deputy supreme court reporter, two thousand five hundred dollars (\$2,500);

secretary, two thousand dollars (\$2,000);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand dollars (\$1,000);

fifth grade, one employee, nine hundred dollars (\$900);

fourth grade, one employee, seven hundred and twenty dollars (\$720);

second grade, one employee, four hundred and fifty dollars (\$450);

For rent, furniture, books, stationery, messages and other necessary incidental office expenses, two thousand dollars (\$2,000).

MISCELLANEOUS REPORTER.

For the salaries:

of the miscellaneous reporter, four thousand five hundred dollars (\$4,500);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

one employee, one thousand dollars (\$1,000).

For rent, furniture, books, stationery, messages and other necessary incidental office expenses, one thousand one hundred fifty dollars (\$1,150).

COURT OF CLAIMS.

For the salaries:

of the judges of the court of claims, twenty-four thousand dollars (\$24,000);

of the clerk, four thousand dollars (\$4,000);

deputy clerk, two thousand five hundred dollars (\$2,500);

court stenographer, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

sixth grade, marshal, including his services as messenger, one thousand two hundred dollars (\$1,200);

fifth grade, one employee, nine hundred dollars (\$900);

fourth grade, one employee, seven hundred twenty dollars (\$720);

third grade, one employee, six hundred dollars (\$600).

For the actual and necessary traveling expenses of the clerk, deputy clerk, stenographer and marshal in the performance of their official duties elsewhere than in Albany, and for furniture, books, printing, stationery and other necessary incidental office expenses, two thousand six hundred dollars (\$2,600), or so much thereof as may be necessary.

LEGISLATURE.

For the compensation and mileage of members and officers of the legislature, five hundred thousand dollars (\$500,000), or so much thereof as may be necessary;

for advances by the comptroller to the clerks of the senate and assembly for contingent expenses, including books, blanks, stationery, printing and other legislative supplies, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary;

for postage, expenses of committees, compensation of witnesses, legislative manual, clerk's manual, indexing the bills, journals and documents of the senate and assembly, and other contingent expenses of the legislature, thirty thousand dollars (\$30,000), or so much thereof as may be necessary;

for compensation and necessary incidental office expenses during the legislative session, of persons appointed under section

twenty-three of the legislative law to draft, examine and revise bills, and furnish session indices and digests, eight thousand seven hundred dollars (\$8,700), or so much thereof as may be necessary, to be paid upon the certificate of the temporary president of the senate and the speaker of the assembly.

OFFICE OF THE SECRETARY OF STATE.

For the salaries:

- of the secretary of state, five thousand dollars (\$5,000);
- deputy secretary of state, four thousand dollars (\$4,000);
- chief clerk, three thousand dollars (\$3,000);
- examiner of corporations, two thousand seven hundred dollars (\$2,700);
- land clerk, two thousand seven hundred dollars (\$2,700);
- of the employees according to grade:
- tenth grade, one employee, two thousand two hundred dollars (\$2,200);
- ninth grade, two employees, two thousand dollars each (\$4,000);
- seventh grade, four employees, one thousand five hundred dollars each (\$6,000);
- sixth grade, four employees, one thousand two hundred dollars each (\$4,800);
- four employees, one thousand dollars each (\$4,000);
- fifth grade, twelve employees, nine hundred dollars each (\$10,800);
- third grade, one employee, six hundred dollars (\$600).

For the purpose of complying with the provisions of subdivision six of section thirty-four of the election law, and of section ten of chapter six hundred eighty-nine, laws of nineteen hundred five, nine thousand five hundred eighty-six dollars (\$9,586), or so much thereof as may be necessary.

For the purpose of complying with the provisions of section nineteen, and subdivision one of section thirty-six of the election law, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the secretary of state and his deputy in the performance of their official duties, five hundred dollars (\$500) or so much thereof as may be necessary.

For furniture, books, binding, blanks, messages and other necessary incidental office expenses, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, session laws, election laws and blanks, legislative documents, and other matter sent by express or freight, including boxes or covering for same, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary.

OFFICE OF THE COMPTROLLER.

For the salaries:

- of the comptroller, six thousand dollars (\$6,000);
- deputy comptroller, five thousand dollars (\$5,000);
- second deputy comptroller, four thousand five hundred dollars (\$4,500);
- private secretary to the comptroller, two thousand seven hundred dollars (\$2,700).

FINANCE BUREAU.

- assistant warrant clerk, three thousand dollars (\$3,000).
- of the employees according to grade:
- tenth grade, one employee, two thousand three hundred dollars (\$2,300);
- ninth grade, two employees, two thousand dollars each (\$4,000);
- eighth grade, one employee, one thousand six hundred dollars (\$1,600);
- seventh grade, three employees, one thousand five hundred dollars each (\$4,500);
- sixth grade, two employees, one thousand two hundred dollars each (\$2,400);
- two employees, one thousand dollars each (\$2,000).

LAND BUREAU.

- chief clerk, three thousand dollars (\$3,000);
- of the employees according to grade:
- ninth grade, one employee, two thousand dollars (\$2,000);

- eighth grade, two employees, one thousand eight hundred dollars each (\$3,600);
 one employee, one thousand seven hundred dollars (\$1,700);
 one employee, one thousand six hundred dollars (\$1,600);
 seventh grade, six employees, one thousand five hundred dollars each (\$9,000);
 sixth grade, two employees, one at one thousand dollars, and one at one thousand two hundred dollars (\$2,200).

For protecting and perfecting the state's title to lands, five hundred dollars (\$500), or so much thereof as may be necessary.

TRANSFER TAX BUREAU.

- chief clerk, three thousand dollars (\$3,000);
 of the employees according to grade:
 tenth grade, one employee, two thousand four hundred dollars (\$2,400);
 ninth grade, one employee, two thousand one hundred dollars (\$2,100);
 seventh grade, four employees, one thousand five hundred dollars each (\$6,000);
 one employee, one thousand four hundred dollars (\$1,400);
 one employee, one thousand three hundred dollars (\$1,300);
 sixth grade, three employees, one thousand two hundred dollars each, (\$3,600);
 fifth grade, four employees, nine hundred dollars each (\$3,600).

CORPORATION TAX BUREAU.

- chief clerk, three thousand five hundred dollars (\$3,500);
 of the employees according to grade:
 eighth grade, one employee, one thousand eight hundred dollars (\$1,800);
 seventh grade, three employees, one thousand five hundred dollars each (\$4,500);
 one employee, one thousand four hundred dollars (\$1,400);

sixth grade, three employees, one thousand two hundred dollars each (\$3,600);

fifth grade, one employee, nine hundred dollars (\$900).

NEW YORK CITY OFFICE.

commissioner, three thousand dollars (\$3,000);

of the employees, according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

third grade, one employee, six hundred dollars (\$600).

MORTGAGE TAX, MUNICIPAL ACCOUNTS, AND COURT AND TRUST FUND EXAMINATIONS.

For the salary of the chief accountant, two thousand five hundred dollars (\$2,500);

for examination of the accounts of the several counties, cities of the second and third classes and incorporated villages of the state, pursuant to chapter seven hundred five, laws of nineteen hundred five, as amended by chapter two hundred fifteen, laws of nineteen hundred seven:

for ten examiners, for compensation, twenty-four thousand dollars (\$24,000);

for the actual and necessary traveling expenses of examiners in the performance of their official duties, nine thousand dollars (\$9,000);

for stenographic services, printing, and necessary incidental office expenses, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For the services of examiners in the examination of the accounts of the several county treasurers of the state, as required by chapter six hundred fifty-one, laws of eighteen hundred ninety-two, twelve thousand dollars (\$12,000); for the actual and necessary traveling expenses of examiners, in the performance of their official duties, three thousand dollars (\$3,000), or so much thereof as may be necessary.

STOCK TRANSFER TAX BUREAU.

Chief clerk, two thousand five hundred dollars (\$2,500);

stenographer, nine hundred dollars (\$900).

For services of examiners, nine thousand five hundred dollars (\$9,500), and for their actual and necessary traveling expenses in the performance of their official duties, for dies, plates and print-

ing necessary for the manufacture of stamps and for stationery, books, blanks and other necessary incidental expenses, ten thousand five hundred dollars (\$10,500), or so much thereof as may be necessary.

MISCELLANEOUS.

For the comptroller, one thousand dollars (\$1,000); for the deputy comptroller, five hundred dollars (\$500); and for the second deputy comptroller, two hundred fifty dollars (\$250) or so much thereof as may be necessary for their actual and necessary traveling expenses while in the performance of their official duties.

For messenger and other service:

fifth grade, two employees, nine hundred dollars each (\$1,800);

second grade, one employee, three hundred sixty-five dollars (\$365);

for temporary clerical service, two thousand dollars (\$2,000).

For salary and expenses of examiner appointed by the governor, pursuant to chapter four hundred fourteen, laws of eighteen hundred ninety-nine, to examine the books of the running associations, three thousand dollars (\$3,000), and for salaries and expenses of two examiners to examine the books of the trotting associations of the state, four thousand dollars (\$4,000), or so much thereof as may be necessary; the amounts herein appropriated to be paid from the funds collected from said associations.

For furniture, books, binding, blanks, printing, messages and other necessary incidental office expenses including rent of New York city office, eleven thousand nine hundred dollars (\$11,900), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, four thousand dollars (\$4,000), or so much thereof as may be necessary.

BUREAU OF CANAL AFFAIRS.

Payable from Canal Fund.

chief clerk, three thousand dollars (\$3,000);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

one employee, one thousand seven hundred dollars (\$1,700);

sixth grade, one employee, one thousand dollars (\$1,000).

For messenger service, two hundred eighty dollars (\$280), or so much thereof as may be necessary; for night watchman, three hundred sixty-five dollars (\$365); for the Bank of Manhattan Company, New York, for keeping transfer office and for stationery for same, one thousand four hundred dollars (\$1,400).

For salary of transfer agent, seven hundred fifty dollars (\$750).

For printing, advertising and other necessary incidental office expenses of the bureau, two thousand dollars (\$2,000), or so much thereof as may be necessary.

BUREAU OF HIGHWAYS.

Payable from the Highway Fund.

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

fifth grade, one employee, nine hundred dollars (\$900).

STATIONERY.

For stationery for the governor, secretary of state, comptroller, treasurer, attorney-general, state engineer and surveyor, commissioner of education, adjutant-general, clerk of the court of appeals, state board of charities, state department of health, civil service commission, superintendent of public buildings, fiscal supervisor of state charities, and department of labor, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

OFFICE OF THE TREASURER.

For the salaries:

of the treasurer, five thousand dollars (\$5,000);

deputy treasurer, four thousand dollars (\$4,000);

accountant and transfer clerk, two thousand four hundred dollars (\$2,400);

cashier, two thousand seven hundred dollars (\$2,700).

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

two employees, one thousand four hundred dollars each (\$2,800);

sixth grade, one employee, one thousand dollars (\$1,000);

fourth grade, two employees, seven hundred twenty dollars each (\$1,440).

For the actual and necessary traveling expenses of the state treasurer and his deputy in the performance of their official duties, five hundred dollars (\$500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, six hundred dollars (\$600), or so much thereof as may be necessary.

For furniture, books, binding, blanks, printing and other necessary incidental office expenses of the treasurer, two thousand dollars (\$2,000), or so much thereof as may be necessary.

OFFICE OF THE ATTORNEY-GENERAL

For the salaries:

of the attorney-general, five thousand dollars (\$5,000);

first and second deputies, four thousand dollars each (\$8,000);

four deputies, four thousand dollars each, sixteen thousand dollars (\$16,000);

one deputy, three thousand dollars (\$3,000);

one assistant to the deputy, three thousand dollars (\$3,000);

one assistant deputy, two thousand four hundred dollars (\$2,400);

two deputies, two thousand five hundred dollars each (\$5,000);

land and tax clerk, two thousand five hundred dollars (\$2,500);

first confidential clerk, one thousand five hundred dollars (\$1,500);

private secretary, one thousand five hundred dollars (\$1,500);

confidential messenger and custodian of books, papers and property, one thousand two hundred dollars (\$1,200);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);

eighth grade, one employee, one thousand six hundred dollars (\$1,600);

seventh grade, one employee, one thousand five hundred dollars (\$1,500).

sixth grade, two employees, one thousand two hundred dollars each (\$2,400);

third grade, one employee, six hundred dollars (\$600).

For the personal expenses and disbursements of the attorney-general in the performance of his official duties, one thousand six hundred dollars (\$1,600), and of the first and second deputies of the attorney-general in the performance of their official duties, one thousand dollars each (\$2,000), pursuant to sections fifty and fifty-one of the executive law.

For furniture, books, binding, blanks, printing, messages, postage, and the transportation of letters, documents and other matter sent by express or freight, including boxes or covering for the same, and other necessary incidental office expenses, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

NEW YORK CITY BUREAU.

For the salaries:

of the deputy, four thousand dollars (\$4,000);

two deputies, five thousand two hundred dollars (\$5,200);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

third grade, three employees, six hundred dollars each (\$1,800);

For the compensation of special counsel, at not to exceed ten dollars per day, each to be designated on the written order of the attorney-general or the New York city deputy of the attorney-general, for office rent, furniture, books, binding, blanks, postage, messages and other necessary incidental office expenses, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

Said New York city bureau shall keep a docket, in which shall be entered a record of all cases and proceedings pending, of a civil or criminal nature, in which the people of the state of New York, or any officer or department of the state, shall be a party, represented by the said New York city deputy or his assistant or special counsel, and shall make a report daily of his proceedings in all such cases and proceedings to the attorney-general. The said New York city deputy shall have, under the direction of the

attorney-general, immediate charge of all matters referred to in section fifty-seven of the executive law, the agricultural law, and all matters in which the attorney-general represents the state, arising or existing within the limits of New York city, and all fees, costs and fines collected by the New York city deputy or by his assistants, shall, on the day of the receipt thereof, be transmitted to the attorney-general, who shall deposit the same with the treasurer of the state of New York.

The attorney-general is hereby authorized to employ as many deputies, clerks, stenographers and messengers as he may deem necessary, and to fix their salaries, except when fixed by law; but the aggregate salaries for such clerical force, stenographers and messengers shall not exceed the sum hereinabove appropriated for such service.

OFFICE OF THE STATE ENGINEER AND SURVEYOR.

For the salaries:

of the state engineer and surveyor, five thousand dollars (\$5,000);

deputy state engineer and surveyor, four thousand dollars (\$4,000);

chief clerk, three thousand dollars (\$3,000);

of the employees according to grade:

ninth grade, one employee (land clerk), two thousand dollars (\$2,000);

eighth grade, one employee (canal clerk), one thousand eight hundred dollars (\$1,800);

sixth grade, one employee (record clerk acting as confidential clerk), one thousand one hundred dollars (\$1,100);

three employees (stenographers), one thousand dollars each (\$3,000);

third grade, one employee (page or messenger), six hundred dollars (\$600);

one employee (night watchman), five hundred forty dollars (\$540).

For the supervision of the expenditure of moneys for the repair and maintenance of public highways in towns under the money system, pursuant to sections fifty-five-c and fifty-five-d of the highway law, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

For furniture, books, binding, blanks, printing and other necessary incidental office expenses, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, two thousand dollars (\$2,000), or so much thereof as may be necessary.

PAYABLE FROM THE CANAL FUND.

For the actual and necessary traveling expenses of the state engineer and surveyor, in the performance of his official duties, two thousand dollars (\$2,000) and of the deputy state engineer and surveyor, in the performance of his official duties, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For salaries and compensation of the engineers employed upon the ordinary repairs of canals, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

DEPARTMENT OF EDUCATION.

COMMISSIONER'S OFFICE.

For the salaries:

of the commissioner of education, seven thousand five hundred dollars (\$7,500), and for his traveling and other expenses, one thousand five hundred dollars (\$1,500) pursuant to chapter forty, laws of nineteen hundred four.

secretary to the commissioner, one thousand five hundred dollars (\$1,500);

of the employees according to grade:

sixth grade, two employees, one thousand dollars each, (\$2,000);

first assistant commissioner, five thousand dollars (\$5,000);

of the employees according to grade:

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

fourth grade, one employee, seven hundred twenty dollars (\$720);

second assistant commissioner, five thousand dollars (\$5,000);

of the employees according to grade:

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

fourth grade, one employee, seven hundred twenty dollars (\$720);

third assistant commissioner, five thousand dollars (\$5,000).

assistant in elementary education, two thousand seven hundred dollars (\$2,700);

of the employees according to grade:

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

fourth grade, one employee, seven hundred twenty dollars (\$720);

ADMINISTRATION DIVISION.

chief, three thousand dollars (\$3,000);

cashier, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, two employees, one thousand two hundred dollars (\$2,400);

two employees, one thousand dollars each (\$2,000);

fifth grade, three employees, nine hundred dollars each (\$2,700);

fourth grade, one employee, seven hundred twenty dollars (\$720);

third grade, four employees, six hundred dollars each (\$2,400);

second grade, four employees, four hundred eighty dollars each (\$1,920);

COMPULSORY ATTENDANCE DIVISION.

chief, three thousand dollars (\$3,000);

of the employees according to grade:

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

one employee, one thousand dollars (\$1,000).

EXAMINATIONS DIVISION.

chief, four thousand dollars (\$4,000);

assistant in charge of teachers' examinations, three thousand dollars (\$3,000);

assistant in charge of foreign credentials, two thousand seven hundred dollars (\$2,700);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

eighth grade, three employees, one thousand eight hundred dollars each (\$5,400);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, eight employees, one thousand two hundred dollars each (\$9,600);

four employees, one thousand dollars each (\$4,000);

fifth grade, nineteen employees, nine hundred dollars each (\$17,100);

fourth grade, ten employees, seven hundred twenty dollars each (\$7,200);

third grade, eleven employees, six hundred dollars each (\$6,600);

second grade, two employees, four hundred eighty dollars each (\$960);

first grade, one employee, three hundred sixty dollars (\$360).

INSPECTIONS DIVISION.

chief, three thousand five hundred dollars (\$3,500);

one inspector, three thousand dollars (\$3,000);

nine inspectors, two thousand five hundred dollars each (\$22,500);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

ninth grade, three employees, two thousand dollars each (\$6,000);

eighth grade, one employee, one thousand eight hundred dollars (\$1,800), payable from the fees obtained under chapter two hundred ninety-three, laws of nineteen hundred three;

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

one employee, one thousand dollars (\$1,000);

fifth grade, one employee, nine hundred dollars (\$900);

LAW DIVISION:

chief, three thousand five hundred dollars (\$3,500);
of the employees according to grade:
seventh grade, one employee, one thousand five hundred dollars (\$1,500).

DIVISION OF SCHOOL LIBRARIES.

chief, two thousand five hundred dollars (\$2,500);
of the employees according to grade:
tenth grade, one employee, two thousand four hundred dollars (\$2,400);
fifth grade, one employee, nine hundred dollars (\$900).

STATISTICS DIVISION.

chief, two thousand seven hundred fifty dollars (\$2,750);
of the employees according to grade:
sixth grade, two employees, one thousand two hundred dollars each (\$2,400);
fifth grade, one employee, nine hundred dollars (\$900);
third grade, two employees, six hundred dollars each (\$1,200).

DIVISION OF VISUAL INSTRUCTION.

chief, three thousand dollars (\$3,000);
of the employees according to grade:
ninth grade, one employee, two thousand dollars (\$2,000);
fifth grade, three employees, nine hundred dollars each (\$2,700);
third grade, two employees, six hundred dollars each (\$1,200);
second grade, one employee, four hundred eighty dollars (\$480).

For the purchase, preparation and distribution of apparatus and material used in administering the system of visual instruction under rules and regulations prescribed by the commissioner of education, seven thousand five hundred dollars (re. \$7,500), or so much thereof as may be necessary, which is reappropriated from the unexpended balance of the appropriation for the same purpose made by chapter six hundred ninety-nine, laws of nineteen hundred five.

THE STATE LIBRARY.

director, five thousand dollars (\$5,000);

law librarian, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

tenth grade, three employees, two thousand four hundred dollars each (\$7,200);

ninth grade, one employee, two thousand one hundred dollars (\$2,100);

eighth grade, two employees, one thousand eight hundred dollars each (\$3,600);

seventh grade, three employees, one thousand five hundred dollars each (\$4,500);

sixth grade, eight employees, one thousand two hundred dollars each (\$9,600);

two employees, one thousand dollars each (\$2,000);

fifth grade, nine employees, nine hundred dollars each (\$8,100);

fourth grade, twelve employees, seven hundred twenty dollars each (\$8,640);

third grade, ten employees, six hundred dollars each, (\$6,000);

second grade, ten employees, four hundred eighty dollars each (\$4,800);

first grade, six employees, three hundred sixty dollars each (\$2,160).

For books, serials and binding pursuant to chapter three hundred seventy-eight, laws of eighteen hundred ninety-two, twenty thousand dollars (\$20,000), or so much thereof as may be necessary;

For the state medical library for books, serials and binding pursuant to chapter three hundred seventy-seven, laws of eighteen hundred ninety-one, two thousand dollars (\$2,000), or so much thereof as may be necessary;

For the law library for books, serials and binding, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary;

For books to be loaned free to the blind of the state, one thousand dollars (\$1,000), or so much thereof as may be necessary.

LIBRARY SCHOOL.

vice-director, two thousand five hundred dollars (\$2,500);
of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

third grade, two employees, six hundred dollars each (\$1,200).

DIVISION OF EDUCATIONAL EXTENSION.

chief, two thousand four hundred dollars (\$2,400);
of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

sixth grade, two employees, one thousand two hundred dollars each (\$2,400);

fifth grade, two employees, nine hundred dollars each (\$1,800);

fourth grade, two employees, seven hundred twenty dollars each (\$1,440);

third grade, two employees, six hundred dollars each (\$1,200);

second grade, three employees, four hundred eighty dollars each (\$1,440);

first grade, two employees, three hundred sixty dollars each (\$720).

For grants of public money for the benefit of free libraries, in accordance with sections fourteen, forty-seven, forty-eight, and fifty of chapter three hundred seventy-eight, laws of eighteen hundred ninety-two, twenty-eight thousand dollars (\$28,000), or so much thereof as may be necessary.

For traveling libraries and books, including traveling libraries for charitable institutions, six thousand dollars (\$6,000).

DIVISION OF SCIENCE.

director, state geologist and paleontologist, four thousand dollars (\$4,000);

state botanist, two thousand four hundred dollars (\$2,400);

state entomologist, two thousand four hundred dollars (\$2,400);

of the employees according to grade:

tenth grade, one employee, two thousand two hundred dollars (\$2,200);

ninth grade, one employee, two thousand dollars (\$2,000);
 seventh grade, one employee, one thousand five hundred dollars (\$1,500);
 three employees, one thousand four hundred dollars each (\$4,200);
 sixth grade, four employees, one thousand two hundred dollars each (\$4,800);
 one employee, one thousand twenty dollars (\$1,020);
 fifth grade, three employees, nine hundred dollars each (\$2,700);
 one employee, seven hundred eighty dollars (\$780);
 fourth grade, three employees, seven hundred twenty dollars each (\$2,160);
 third grade, two employees, six hundred dollars each (\$1,200);
 second grade, one employee, four hundred eighty dollars (\$480).

For the actual and necessary traveling expenses of the director and his assistants in the performance of their official duties, and for necessary temporary services in preserving and increasing the various scientific collections, and for field operations and scientific investigations, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

TEMPORARY SERVICES.

For temporary services in the several divisions of the education department, except for the division of science and teachers' institutes, four thousand five hundred dollars (re. \$4,500), which is re-appropriated from the unexpended balance of the appropriation for the same purpose made by chapter six hundred ninety-nine, laws of nineteen hundred five. No payments for temporary services in said department shall be made from any other appropriation in this act, except as herein indicated.

POSTAGE, EXPRESS, ETC.

For postage, messages and transportation of letters, official documents, and other matter sent by express or freight, including boxes or coverings for same, twenty-seven thousand dollars (\$27,000), or so much thereof as may be necessary.

PRINTING.

For all department printing including trustees' reports, school registers, and the Arbor Day circular, twenty-seven thousand dollars (\$27,000), or so much thereof as may be necessary. No payments for printing for the department of education shall be made from any other appropriation in this act.

TRAVELING EXPENSES.

For actual and necessary traveling expenses incurred in the performance of official duty in the visitation and inspection of common schools, high schools, academies, Indian schools, normal schools, colleges, universities, libraries and other institutions under the supervision of the education department; by the state examinations board and of lectures in the library school, eighteen thousand five hundred dollars (\$18,500), or so much thereof as may be necessary. No payment for traveling expenses for said department except for the division of science, and for teachers' institutes, shall be made from any other appropriation in this act.

OFFICE EXPENSES AND CARE OF ROOMS.

For services of elevator men, porters, laborers, cleaners, for care of rooms occupied by the department, in the basement, and on the first, third, fourth, fifth, sixth and seventh floors of the capitol, including the state library, twelve thousand dollars (\$12,000);

For rent of malthouse for storage, one thousand two hundred dollars (\$1,200);

For power for two elevators, and for furniture and all other necessary incidental expenses, ten thousand eight hundred dollars (\$10,800), or so much thereof as may be necessary, of which nine thousand two hundred twenty-seven dollars and fifty-two cents (re. \$9,227.52) is reappropriated from the unexpended balance of the appropriation for salaries for the department made by chapter six hundred ninety-nine, laws of nineteen hundred five.

LECTURERS AT FARMERS' INSTITUTES.

For the services of lecturers and instructors at farmers' institutes to be appointed and directed by the state education department, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary. Such appointees shall render such other services to the department throughout the year when not engaged in visiting farmers' institutes as may be required.

TEACHERS' INSTITUTES.

For the salaries:

- of five institute conductors, three thousand dollars each (\$15,000);
- of a special instructor in drawing, two thousand two hundred dollars (\$2,200);
- of a special instructor in primary work, reading and literature, two thousand dollars (\$2,000);
- of a special instructor in English, one thousand two hundred dollars (\$1,200);

For actual and necessary traveling expenses and temporary services of additional special instructors at teachers' institutes, city institutes and the university convocation, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

TRAINING OF TEACHERS.

For payment to academies and union schools designated by the commissioner of education for the professional training of teachers, pursuant to chapter five hundred fifty-six, laws of eighteen hundred ninety-four, and for the professional training of teachers in cities and villages of the state employing a local superintendent of schools, in accordance with the provisions of chapter ten hundred thirty-one, laws of eighteen hundred ninety-five, one hundred thousand dollars (\$100,000). Not more than one hundred fifteen training classes shall be established by the commissioner of education in any one year under the provisions of chapter five hundred fifty-six, laws of eighteen hundred ninety-four. Five hundred dollars shall be paid to each school maintaining a class of not less than ten pupils, in accordance with rules and regulations established by the commissioner of education, and such balance as shall remain shall be apportioned among such training classes ratably on the basis of the number of teachers instructed therein in excess of said number.

MAINTENANCE OF INDIAN SCHOOLS.

For the support of Indian schools, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

INDIAN EDUCATION IN NORMAL SCHOOLS.

For the support and education of Indian youth in the state normal and training schools pursuant to provisions of chapter eighty-nine, laws of eighteen hundred fifty-one, five hundred dollars (\$500), or so much thereof as may be necessary.

NORMAL SCHOOLS.

Payable on the approval of the commissioner of education for the maintenance:

of the state normal college at Albany, forty-five thousand dollars (\$45,000);
of the state normal schools at
Brockport, thirty-six thousand dollars (\$36,000);
Buffalo, thirty-four thousand dollars (\$34,000);
Cortland, forty-one thousand dollars (\$41,000);
Fredonia, thirty-four thousand dollars (\$34,000);
Geneseo, forty-one thousand dollars (\$41,000);
New Paltz, thirty-four thousand dollars (\$34,000);
Oneonta, forty-one thousand dollars (\$41,000);
Oswego, thirty-seven thousand dollars (\$37,000);
Plattsburgh, thirty-seven thousand dollars (\$37,000);
Potsdam, forty thousand dollars (\$40,000).

One thousand dollars (\$1,000) shall be allowed to the president of the state normal college in addition to his salary in lieu of the residence heretofore provided and destroyed by fire in nineteen hundred and six and the sum of three hundred dollars (\$300) in addition to salary shall be allowed to the principal of each normal school not provided with a residence by the state.

In addition to the above appropriations twenty thousand dollars (\$20,000), or so much thereof as may be necessary, is hereby appropriated from the tuition fees and revenues from other sources received by the state treasurer from the several normal schools to be repaid to the schools from which received for their further support and maintenance. No part of the appropriation for the maintenance of normal schools shall be available for insurance of normal school buildings.

SCHOOL COMMISSIONERS.

For the salaries of the school commissioners, one hundred thirteen thousand dollars (\$113,000), payable one thousand dollars (\$1,000) to each commissioner in the state.

COMMON SCHOOLS.

For the support of the common schools of the state, four million five hundred thousand dollars (\$4,500,000), or so much thereof as may be necessary to be apportioned by the commissioner of

education as supervision, district and teachers' quotas on the basis provided by title two of the consolidated school law. Before making such apportionment the commissioner of education may set aside not to exceed ten thousand dollars (\$10,000) for a contingent fund.

CITIES, ACADEMIES, ACADEMIC DEPARTMENTS AND LIBRARIES.

For the cities, union school districts, academies maintaining academic departments, and public school libraries, four hundred eighty-five thousand dollars (\$485,000) to be apportioned by the commissioner of education under regulations established by him in the manner directed by chapter six hundred eighty-three, laws of nineteen hundred six for the apportionment of an appropriation for the same purpose; but in the apportionment of moneys for non-resident pupils attending the academic department of public schools as provided in said chapter, in cities whose customary charge for non-resident pupils is greater than the sum provided in said chapter, the commissioner of education may in his discretion permit the sum so apportioned to be applied upon such customary charge for such non-resident pupils from towns adjacent to such cities provided the balance of such customary charge shall be assumed by the school district in which such non-resident pupil is resident and the payment thereof shall have been provided for at a school district meeting, held in such district.

The comptroller is hereby authorized to transfer to the general fund to meet the appropriations hereby made for educational purposes, so much of the revenues of the trust funds as may be necessary, not to exceed three hundred forty-nine thousand five hundred dollars (\$349,500), as follows:

Common school fund, one hundred seventy-seven thousand dollars (\$177,000);

Literature fund, twelve thousand dollars (\$12,000);

United States Deposit fund, one hundred sixty thousand five hundred dollars (\$160,500).

DEPARTMENT OF AGRICULTURE.

For the salaries:

of the commissioner of agriculture, four thousand dollars (\$4,000);

one assistant commissioner, three thousand dollars (\$3,000);

chief chemist, three thousand dollars (\$3,000);

- assistant chemist, two thousand dollars (\$2,000);
- chemists, bacteriologists, physiologists and other scientific employees, four thousand dollars (\$4,000), or so much thereof as may be necessary;
- veterinarians, three thousand dollars (\$3,000), or so much thereof as may be necessary;
- confidential agent, two thousand dollars (\$2,000);
- of the employees according to grade:
 - eighth grade, one employee, one thousand eight hundred dollars (\$1,800);
 - seventh grade, nine assistant commissioners, one thousand five hundred dollars each (\$13,500);
 - six cheese instructors, one thousand five hundred dollars each (\$9,000);
 - four butter instructors, one thousand five hundred dollars each (\$6,000);
 - chief of the bureau of agricultural statistics, one thousand five hundred dollars (\$1,500);
 - one employee, one thousand five hundred dollars (\$1,500);
 - sixth grade, thirty-three special agents, one thousand two hundred dollars each (\$39,600);
 - four inspectors, one thousand dollars each (\$4,000);
 - one employee, one thousand two hundred dollars (\$1,200);
 - two employees, one thousand dollars each (\$2,000);
 - fifth grade, three inspectors, nine hundred dollars each (\$2,700);
 - six inspectors, eight hundred dollars each (\$4,800);
 - two employees, nine hundred dollars each (\$1,800);
 - fourth grade, one employee of the bureau of agricultural statistics, seven hundred twenty dollars (\$720);
 - third grade, one employee of the bureau of agricultural statistics, six hundred dollars (\$600);
 - first grade, one employee, three hundred sixty dollars (\$360).

For maintenance of farmers' institutes held under the auspices of the commissioner of agriculture, to be paid upon the order of said commissioner, and certified in sums as needed, and for which vouchers for expenditures duly audited and verified by him shall be rendered, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the assistant commissioners, and employees except the assistant commissioner located at Albany, in the performance of their official duties, and for the actual and necessary incidental expenses of the department, sixty thousand dollars (\$60,000), or so much thereof as may be necessary.

For the commissioner of agriculture one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary, for the actual and necessary traveling expenses of himself and of the assistant commissioner located at Albany in the discharge of their official duties.

NURSERY INSPECTION.

For commissioner of agriculture for the purpose of investigation and extermination of San Jose scale and other dangerously infectious or contagious insect pest or pests, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

For the actual and necessary incidental expenses of article fourteen of the agricultural law, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

AGRICULTURAL EXPERIMENT STATION AT GENEVA.

To the commissioner of agriculture, for the New York state agricultural experiment station, for enforcing the provisions of law in relation to commercial fertilizers, pursuant to chapter four hundred thirty-seven, laws of eighteen hundred ninety, and chapter nine hundred fifty-five, laws of eighteen hundred ninety-six, and chapter six hundred eighty-seven, laws of eighteen hundred ninety-nine, and for the expense of bulletins as provided therein, and any acts amendatory thereof, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be paid from license fees received by the state treasurer on fertilizers.

For the expense of enforcing the provisions of the law in relation to concentrated feeding stuffs, as shall be authorized by

the board of control, pursuant to chapter five hundred ten, laws of eighteen hundred ninety-nine and the acts amendatory thereof, to be paid from license fees received by the state treasurer on concentrated feeding stuffs, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

To the board of control for the agricultural experiment station at Geneva:

for the salaries of the scientific staff and clerical force, twenty-eight thousand dollars (\$28,000);

for labor, including engineer, janitors, laboratory helpers, gardeners, herdsmen, teamsters, poultrymen, watchmen and other necessary labor, thirteen thousand dollars (\$13,000), or so much thereof as may be necessary;

for necessary expenses in conducting researches in plant nutrition, diseases of plants, injurious insects, bacteriology, animal nutrition, dairy practice and poultry keeping, twenty thousand dollars (\$20,000), or so much thereof as may be necessary;

for general expenses including heat, light, water, equipment of scientific apparatus, and farm implements and machinery and general repairs, four thousand dollars (\$4,000), or so much thereof as may be necessary;

for horticultural instruction, and for the purpose of conducting horticultural investigations and experiments, and for disseminating the information so obtained, as provided for in and pursuant to section eighty-five of the agricultural law, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

OFFICE OF STATE ARCHITECT.

For the salaries:

of the state architect, seven thousand five hundred dollars (\$7,500);

private secretary, one thousand eight hundred dollars (\$1,800);

chief draughtsman, two thousand seven hundred fifty dollars (\$2,750);

engineer-in-chief, two thousand five hundred dollars (\$2,500);

engineering inspector, two thousand two hundred fifty dollars (\$2,250);

electrical engineer, two thousand two hundred dollars (\$2,200);

structural engineer, two thousand dollars (\$2,000);
 heating engineer, two thousand dollars (\$2,000);
 engineer, two thousand dollars (\$2,000);
 draughtsmen and tracers, twenty-five thousand dollars
 (\$25,000), or so much thereof as may be necessary;

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars
 (\$1,500);

sixth grade, five employees; two, one thousand two hundred
 dollars each (\$2,400); two, one thousand
 dollars each (\$2,000); one, nine hundred
 eighty dollars (\$980);

fifth grade, one employee, nine hundred dollars (\$900);

third grade, one employee, six hundred dollars (\$600);

first grade, one employee, three hundred thirteen dollars
 (\$313).

For the salaries:

of building inspectors, thirteen thousand seven hundred
 twenty-five dollars (\$13,725), or so much thereof as may
 be necessary.

For office supplies and expenses, four thousand dollars (\$4,000),
 or so much thereof as may be necessary.

For actual and necessary traveling expenses of the state archi-
 tect and his employees in the performance of official duties, four
 thousand dollars (\$4,000), or so much thereof as may be neces-
 sary.

BANKING DEPARTMENT.

For the salaries:

of the superintendent, seven thousand dollars (\$7,000), and for
 his actual and necessary traveling expenses in the
 performance of his official duties, one thousand five
 hundred dollars (\$1,500), or so much thereof as may
 be necessary.

first deputy superintendent, four thousand dollars
 (\$4,000), and for his actual and necessary traveling
 expenses in the performance of his official duties, one
 thousand dollars (\$1,000), or so much thereof as may
 be necessary.

confidential and financial clerk and private secretary,
 three thousand three hundred dollars (\$3,300);

of the employees according to grade:

sixth grade, two clerks and stenographers, one thousand two hundred dollars each (\$2,400);
one employee, one thousand two hundred dollars (\$1,200);
stenographer in the branch office in New York city, one thousand two hundred dollars (\$1,200);
two stenographers in Albany office, one thousand dollars each (\$2,000);
fifth grade, one employee, nine hundred dollars (\$900);
second grade, night watchman, four hundred twenty dollars (\$420).

For rent of branch office in the city of New York, one thousand three hundred twenty-five dollars (\$1,325).

For furniture, books, binding, blanks, printing and other necessary incidental office expenses, seven thousand dollars (\$7,000), and in addition thereto one thousand five hundred dollars (re. \$1,500), being a portion of unexpended appropriation for clerk hire, made by chapter six hundred ninety-nine, laws of nineteen hundred five.

The amounts required for the salaries, clerk-hire and other expenses above mentioned shall be refunded to the treasury, one thousand dollars thereof for carrying out the provisions of chapter six hundred eighty-nine, laws of eighteen hundred ninety-two, providing for reports concerning dormant accounts in savings banks, to be assessed upon and collected from the savings banks making such reports, and the remainder pursuant to section seven of said chapter.

For the expense of appraising property, and other necessary incidental expenses in connection therewith, one thousand dollars (\$1,000), or so much thereof as may be necessary, which sum shall be assessed upon and collected from the corporations, under the jurisdiction of the department, or a part of them, and refunded to the treasury as provided in said banking law.

For carrying out the provisions of the banking law, chapter six hundred eighty-nine, laws of eighteen hundred ninety-two, as amended, in reference to the supervision and visitation of mortgage, loan or investment companies, and of co-operative savings and loan associations, and for foreign co-operative savings and loan associations, and other similar associations required by law to report to said superintendent of banks:

For the salaries:

of the deputy in charge of bureau of building and loan associations and foreign corporations, four thousand dollars (\$4,000);

of the employees according to grade:

seventh grade, clerk, one thousand five hundred dollars (\$1,500);

sixth grade, stenographer, one thousand dollars (\$1,000).

For furniture, books, binding, blanks, printing and other necessary and incidental expenses of the bureau, eight hundred dollars (\$800); which sums shall be assessed upon and collected from said associations and corporations and refunded to the treasury, as provided in said banking law.

For the payment of the examiners for the examination of corporations and individual bankers, pursuant to the provisions of the banking law, sixty-five thousand dollars (\$65,000), or so much thereof as may be necessary, which shall be assessed and collected from the corporations and individual bankers, according to the amount charged for the examination of each, and refunded to the state treasury.

STATE BOARD OF CHARITIES.

For the salary of the secretary three thousand five hundred dollars (\$3,500).

For compensation of twelve commissioners, as provided by chapter five hundred forty-six, laws of eighteen hundred ninety-six, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the salaries:

of the superintendent of inspection, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

sixth grade, three employees, one thousand two hundred dollars each (\$3,600);

fourth grade, four employees, seven hundred twenty dollars each (\$2,880).

For temporary help, four hundred dollars (\$400), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the commis-

sioners and secretary in the performance of their official duties, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the employees of the department in the performance of their official duties, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For furniture, rent, books, blanks, printing and other necessary and incidental office expenses, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

For postage, and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, fifteen hundred dollars (\$1,500), or so much thereof as may be necessary.

NEW YORK OFFICE.

For the salaries:

of the superintendent, one thousand five hundred dollars (\$1,500);

of the employees according to grade:

seventh grade, inspector, one thousand four hundred dollars (\$1,400);

sixth grade, one inspector, one thousand two hundred dollars (\$1,200);

fifth grade, two inspectors, nine hundred dollars each (\$1,800);

fourth grade, one employee, seven hundred twenty dollars (\$720).

ROCHESTER OFFICE.

of the employees according to grade:

sixth grade, inspector, one thousand two hundred dollars (\$1,200);

third grade, one employee, six hundred dollars (\$600).

STATE AND ALIEN POOR.

of the superintendent, three thousand dollars (\$3,000);

deputy superintendent in New York city, one thousand five hundred dollars (\$1,500);

of the employees according to grade:

ninth grade, special inspector of charitable institutions, two thousand dollars (\$2,000);

seventh grade, inspector, one thousand five hundred dollars (\$1,500);

sixth grade, two assistant inspectors, one thousand two hundred dollars each (\$2,400);

transfer agent, Kings county almshouse, one thousand two hundred dollars (\$1,200);

transfer agent, Erie county almshouse, one thousand two hundred dollars (\$1,200);

fifth grade, one employee, nine hundred dollars (\$900);

fourth grade, one employee, seven hundred twenty dollars (\$720);

third grade, one employee, six hundred dollars (\$600).

For the actual and necessary traveling expenses of superintendent and inspectors in the performance of their official duties, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For furniture, books, printing, messages and other necessary incidental office expenses, eight hundred dollars (\$800), or so much thereof as may be necessary.

For maintenance, transportation and removal of state, non-resident and alien poor, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

It shall be the duty of the board in its annual report to the legislature to give a complete itemized statement of the expenditures for state paupers during the preceding fiscal year.

CIVIL SERVICE COMMISSION.

For salaries:

of the civil service commissioners, nine thousand dollars (\$9,000);

For the actual and necessary expenses of the commissioners in the performance of their official duty: of the president, seven hundred dollars, and of the other commissioners, four hundred dollars each (\$1,500) or so much thereof as may be necessary.

ADMINISTRATION DIVISION.

For salaries:

of the secretary, three thousand six hundred dollars (\$3,600);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand two hundred dollars; one employee, one thousand dollars (\$2,200);

fifth grade, one employee, nine hundred dollars (\$900);
third grade, one employee, six hundred dollars (\$600);
first grade, one employee, three hundred sixty dollars
(\$360);

For the actual and necessary traveling expenses of the secretary, in the performance of his official duty, one hundred fifty dollars (\$150), or so much thereof as may be necessary.

For furniture, books, printing, blanks, messages and other necessary incidental office expenses and for expenses incurred in the inspection or investigation of the administration of the law and rules, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, one thousand eight hundred dollars (\$1,800), or so much thereof as may be necessary.

EXAMINATIONS DIVISION.

For salaries:

of the chief examiner, three thousand six hundred dollars
(\$3,600);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);

seventh grade, one employee, one thousand five hundred dollars
(\$1,500);

sixth grade, one employee, one thousand two hundred dollars;
one employee one thousand dollars (\$2,200);

fifth grade, two employees, nine hundred dollars each
(\$1,800);

first grade, one employee, three hundred sixty dollars
(\$360);

For the actual and necessary traveling expenses of the chief examiner in the performance of his official duty, four hundred dollars (\$400), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the examiners and stenographer in the performance of their official duty, one hundred dollars (\$100), or so much thereof as may be necessary.

For the expenses of examinations, and compensation of temporary local and expert examiners to be appointed by the commission, seven thousand dollars (\$7,000), or so much thereof as may be necessary.

STATE SUPERINTENDENT OF ELECTIONS.

For the Metropolitan Elections District.

For the salaries:

- of the state superintendent, five thousand dollars (\$5,000);
- chief deputy, four thousand five hundred dollars (\$4,500);
- secretary, two thousand dollars (\$2,000);
- chief clerk, one thousand eight hundred dollars (\$1,800);
- stenographer, one thousand five hundred dollars (\$1,500);
- deputy state superintendents of elections, one hundred and thirty thousand dollars (\$130,000).

For furniture, books, blanks, printing, stationery, messages and other necessary incidental office expenses, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

STATE DEPARTMENT OF EXCISE.

For the salaries:

- of the state commissioner of excise, seven thousand dollars (\$7,000), and for his actual and necessary traveling expenses in the performance of his official duty, six hundred dollars (\$600), or so much thereof as may be necessary;
- deputy commissioner, five thousand dollars (\$5,000), and for his actual and necessary traveling expenses in the performance of his official duty, five hundred dollars (\$500), or so much thereof as may be necessary;
- second deputy commissioner, three thousand five hundred dollars (\$3,500).

For expenses of special agent service, including salaries of sixty special agents, and salary and expenses of special detective service, one hundred thousand dollars (\$100,000), or so much thereof as may be necessary.

For general counsel, four thousand five hundred dollars (\$4,500).

For legal expenses, including salaries of attorneys and law stenographers for Albany, New York, Brooklyn and Buffalo offices, and compensation, costs, expenses and disbursements of attorneys under section ten of the liquor tax law, sixty-five thousand dollars (\$65,000), or so much thereof as may be necessary.

For furniture, books, blanks, binding, printing, stationery, postage, transportation of letters and official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, including suboffices, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary.

For examination of offices of the special deputy commissioners and county treasurers, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For expense of enumeration and determining amount of excise taxation in several localities, including supervision, four thousand dollars (\$4,000), or so much thereof as may be necessary.

REBATES.

For the payment of rebates on surrender of liquor tax certificates, under the provisions of the liquor tax law, three hundred thousand dollars (\$300,000), or so much thereof as may be necessary.

ALBANY OFFICE.

For the salaries:

of the secretary, two thousand dollars (\$2,000);
 financial clerk, one thousand eight hundred dollars (\$1,800);
 chief rebate clerk, two thousand two hundred fifty dollars (\$2,250);
 auditor, two thousand five hundred dollars (\$2,500);
 accountant and special examiner, two thousand five hundred dollars (\$2,500);
 cashier, two thousand seven hundred fifty dollars (\$2,750).

of the employees according to grade:

ninth grade, three employees, six thousand dollars (\$6,000);
 eighth grade, three employees, five thousand two hundred dollars (\$5,200);
 seventh grade, four employees, six thousand dollars (\$6,000);
 sixth grade, thirteen employees, fourteen thousand four hundred dollars (\$14,400);
 fifth grade, nine employees, seven thousand sixty dollars (\$7,060);
 fourth grade, one employee, seven hundred twenty dollars (\$720).

SPECIAL DEPUTY COMMISSIONERS OF EXCISE.

For the one-half part, payable by the state, of the salaries and expenses of the several special deputy commissioners of excise, including office rent and clerical help, office furniture, fixtures and appliances, as provided by section nine of the liquor tax law, to wit:

BOROUGH OF MANHATTAN AND THE BRONX.

For the salaries:

of the special deputy commissioner, two thousand five hundred dollars (\$2,500);

cashier and bookkeeper, one thousand seven hundred fifty dollars (\$1,750);

confidential clerk, one thousand dollars (\$1,000).

of the employees according to grade:

tenth grade, one employee, one thousand one hundred twenty-five dollars (\$1,125);

seventh grade, ten employees, seven thousand three hundred fifty dollars (\$7,350).

sixth grade, two employees, one thousand two hundred dollars (\$1,200).

For rent, four thousand dollars (\$4,000).

BOROUGH OF BROOKLYN.

For the salary:

of the special deputy commissioner, one thousand eight hundred seventy-five dollars (\$1,875).

cashier, one thousand two hundred fifty dollars (\$1,250);

of the employees according to grade:

ninth grade, two employees, two thousand dollars (\$2,000);

seventh grade, four employees, three thousand dollars (\$3,000);

sixth grade, one employee, six hundred dollars (\$600).

For rent, one thousand two hundred dollars (\$1,200).

BOROUGH OF QUEENS.

For the salary of the special deputy commissioner, one thousand two hundred fifty dollars (\$1,250), and for expenses of his office, including office rent and clerical help, one thousand dollars (\$1,000), or so much thereof as may be necessary.

BOROUGH OF RICHMOND.

For the salary of the special deputy commissioner, one thousand dollars (\$1,000), and for expenses of his office, including

office rent and clerical help, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

COUNTY OF ERIE.

For the salary:

of the special deputy commissioner, one thousand five hundred dollars (\$1,500).

of the employees according to grade:

ninth grade, one employee, one thousand dollars (\$1,000);

seventh grade, two employees, one thousand five hundred dollars (\$1,500);

fifth grade, one employee, four hundred fifty dollars (\$450).

For rent, nine hundred thirty dollars (\$930).

COUNTY OF MONROE.

For the salary of the special deputy commissioner, one thousand two hundred fifty dollars (\$1,250), and for the expenses of his office, including office rent and clerical help, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

FOREST, FISH AND GAME COMMISSION.

For the salaries:

of the commissioner, five thousand dollars (\$5,000);

deputy commissioner, two thousand five hundred dollars (\$2,500); and for the actual and necessary traveling expenses of the commissioner and deputy commissioner, in the performance of their official duty, three thousand dollars (\$3,000), or so much thereof as may be necessary;

secretary, two thousand four hundred dollars (\$2,400);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);

eighth grade, one employee, one thousand six hundred dollars (\$1,600);

fifth grade, stenographer to the commissioner, eight hundred dollars (\$800).

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same and other necessary and incidental office expenses, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For printing twenty-five thousand copies of the forest, fish and game law for nineteen hundred eight, pursuant to chapter two

hundred eighty-two, laws of nineteen hundred seven, to be distributed as follows: One hundred copies to each senator, fifty copies to each member of assembly and the remainder under the direction of the commissioner of forest, fish and game, three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary.

PROTECTION OF FISH AND GAME.

For the salaries:

of the chief protector, two thousand dollars (\$2,000);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

one first assistant chief protector, one thousand four hundred dollars (\$1,400);

sixth grade, one second and one third assistant chief protectors, one thousand two hundred dollars each (\$2,400);

third grade, fifty-eight protectors, six hundred dollars each (\$34,800), or so much thereof as may be necessary, and for the actual and necessary expenses of the chief protector, assistant chief protectors and protectors in the performance of official duty twenty-seven thousand dollars (\$27,000), or so much thereof as may be necessary.

PROPAGATION AND DISTRIBUTION OF FISH.

For the expense and maintenance of fish hatcheries, and hatching stations, and for the propagation and distribution of food and game fish and fry, as follows:

for the Adirondack hatchery, nine thousand dollars (\$9,000);

for the Bath hatchery, seven thousand five hundred dollars (\$7,500);

for the Caledonia hatchery, thirteen thousand dollars (\$13,000);

for the Cold Spring harbor hatchery, ten thousand dollars (\$10,000);

for the Delaware hatchery, five thousand dollars (\$5,000);

for the Fulton chain hatchery, three thousand dollars (\$3,000);

for the Linlithgo hatchery, two thousand five hundred dollars (\$2,500);

for the Oneida hatchery, five thousand dollars (\$5,000);
 for the Chautauqua hatchery, one thousand five hundred dollars (\$1,500);
 for the Hudson river hatchery, one thousand dollars (\$1,000);
 for collecting and purchasing eggs, two thousand dollars (\$2,000);

For miscellaneous expenses, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the salary of the fish culturist, three thousand dollars (\$3,000) and for his actual and necessary traveling expenses in the performance of his official duty, nine hundred dollars (\$900), or so much thereof as may be necessary.

For the payment of the salaries of two additional game protectors for Jamaica bay and adjacent waters, as provided by chapter five hundred thirty-nine, laws of nineteen hundred six, one thousand dollars each (\$2,000) and for their necessary expenses, four hundred fifty dollars each (\$900), or so much thereof as may be necessary.

SHELLFISH DEPARTMENT.

For the salaries:

of the superintendent, two thousand five hundred dollars (\$2,500), and for his actual and necessary traveling expenses in the performance of his official duty, five hundred dollars (\$500), or so much thereof as may be necessary, and for rent and necessary and incidental office expenses, one thousand seven hundred dollars (\$1,700), or so much thereof as may be necessary;

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

two oyster protectors, one thousand dollars each (\$2,000);

third grade, assistant oyster protector, six hundred dollars (\$600);

special assistant oyster protector, six hundred dollars (\$600), and for the actual and necessary expenses of the oyster protectors and assistant oyster protector, in the performance

of their official duty, two thousand dollars (\$2,000), or so much thereof as may be necessary.

FORESTRY DEPARTMENT.

For the salaries:

of the superintendent of forests, three thousand dollars (\$3,000); and for his actual and necessary traveling expenses, in the performance of his official duty, nine hundred dollars (\$900), or so much thereof as may be necessary;

of the employees according to grade:

eighth grade, chief firewarden, one thousand eight hundred dollars (\$1,800);

seventh grade, special agent, one thousand five hundred dollars (\$1,500);

three expert foresters, four thousand five hundred dollars (\$4,500);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

one forester, one thousand dollars (\$1,000); for the actual and necessary traveling expenses of the chief firewarden and foresters in the performance of their official duty, two thousand eight hundred dollars (\$2,800), or so much thereof as may be necessary;

fifth grade, five inspectors, nine hundred dollars each (\$4,500), and for the actual and necessary expenses of such inspectors in the performance of their official duty, two thousand two hundred fifty dollars (\$2,250), or so much thereof as may be necessary.

For the purpose of reforesting burned or denuded lands in the forest preserves and for preparing and distributing instructive pamphlets on forestry subjects, pursuant to section two hundred twenty of the forest, fish and game law, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

LEGAL DEPARTMENT.

For the salaries:

of one chief attorney, four thousand five hundred dollars (\$4,500);

one assistant attorney, one thousand five hundred dollars (\$1,500);

stenographer, one thousand two hundred dollars (\$1,200).

For furniture, law books, stationery and printing, five hundred dollars (\$500), or so much thereof as may be necessary.

COMMISSION OF GAS AND ELECTRICITY.

For the salaries:

of the commissioners, twenty-four thousand dollars (\$24,000);

secretary, three thousand dollars (\$3,000);

chief clerk of records, two thousand five hundred dollars (\$2,500);

gas and electric expert, five thousand dollars (\$5,000);

chief inspector of gas, one thousand eight hundred dollars (\$1,800);

first assistant inspector of gas, one thousand dollars (\$1,000);

second assistant inspector of gas, one thousand dollars (\$1,000);

assistant inspector of electricity, one thousand two hundred dollars (\$1,200);

accountant and bookkeeper, one thousand five hundred dollars (\$1,500);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

fifth grade, two employees, nine hundred dollars each (\$1,800);

third grade, one employee, six hundred dollars (\$600);

second grade, one employee, four hundred eighty dollars (\$480);

For necessary traveling expenses and disbursements of the commissioners, their officers, clerks, inspectors experts and other employees pursuant to chapter seven hundred thirty-seven, laws of nineteen hundred five, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same and other necessary and incidental office expenses including supplies and equipment for gas testing and laboratory, three thousand dollars (\$3,000), or so much thereof as may be necessary.

HEALTH DEPARTMENT.

For the salaries:

of the commissioner of health, four thousand five hundred dollars (\$4,500); and for his actual and necessary traveling expenses in the performance of his official duty, one thousand dollars (\$1,000) or so much thereof as may be necessary.

secretary, three thousand dollars (\$3,000);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand eighty dollars (\$1,080);

second grade, one employee, four hundred eighty dollars (\$480).

DIVISION OF SANITARY ENGINEERING.

For the salaries:

of the consulting engineers, four thousand five hundred dollars (\$4,500);

of the assistant consulting engineer, two thousand four hundred dollars (\$2,400);

of two assistant sanitary engineers, one thousand five hundred dollars each (\$3,000);

of the employees according to grade:

sixth grade, one employee, one thousand eighty dollars (\$1,080);

For the purchase of instruments, maps, and for necessary and incidental office expenses, seven hundred dollars (\$700), or so much thereof as may be necessary.

DIVISION OF VITAL STATISTICS.

Of the employees according to grade:

- seventh grade, three employees, one thousand five hundred dollars each (\$1,500);
- sixth grade, one employee, one thousand two hundred dollars (\$1,200);
- fifth grade, one employee, nine hundred dollars (\$900);
- fourth grade, two employees, seven hundred twenty dollars each (\$1,440);
- third grade, one employee, six hundred dollars (\$600).

DIVISION OF COMMUNICABLE DISEASES.

- of the medical expert on contagious diseases, one thousand five hundred dollars (\$1,500);
- of the employees according to grade:
- fifth grade, two employees, nine hundred dollars each (\$1,800).

ANTITOXIN LABORATORY.

For the actual and necessary expenditures for the manufacture and standardization of tetanus, streptococcus and diphtheria antitoxin, for the proper distribution of the same in antiseptic tubes, and for further investigations of serum therapy in tuberculosis, typhoid fever and kindred diseases, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary.

HYGIENIC LABORATORY.

For the actual and necessary expenses of equipment and maintenance of the state hygienic laboratory and for the services of the Bender laboratory, ten thousand dollars (\$10,000), or so much thereof as may be necessary;

for the actual and necessary traveling expenses of subordinates of the department in the performance of their official duty pursuant to the written direction of the commissioner, five thousand dollars (\$5,000), or so much thereof as may be necessary;

for services and expenses of experts and stenographers in examinations and investigations, and for the expense of the annual conference of health officers, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary;

for furniture, books, blanks, binding, printing, messages and other necessary and incidental office expenses, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary;

for postage, and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

STATE HISTORIAN.

For the salaries:

of the state historian, four thousand five hundred dollars (\$4,500);

chief clerk, one thousand five hundred dollars (\$1,500);

stenographer, one thousand eighty dollars (\$1,080);

page, three hundred eighty-four dollars (\$384);

For extra clerical services, furniture, books, blanks, printing, stationery, maps, messages and other necessary and incidental office expenses, nine hundred dollars (\$900), or so much thereof as may be necessary.

INSURANCE DEPARTMENT.

For the salaries:

of the superintendent of insurance, seven thousand dollars (\$7,000), and for his actual and necessary traveling expenses in the performance of his official duty, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary;

first deputy superintendent of insurance, five thousand dollars (\$5,000), and for his actual and necessary traveling expenses in the performance of his official duty, five hundred dollars (\$500), or so much thereof as may be necessary;

second deputy superintendent of insurance, four thousand five hundred dollars (\$4,500);

actuary, four thousand five hundred dollars (\$4,500);

first assistant actuary, three thousand two hundred dollars (\$3,200);

chief clerk, three thousand six hundred dollars (\$3,600);

cashier and tax clerk, three thousand five hundred dollars (\$3,500);

registrar, two thousand five hundred dollars (\$2,500);
for temporary services, three thousand dollars (\$3,000).

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

ninth grade, one employee, two thousand one hundred dollars (\$2,100);

two employees, two thousand dollars each (\$4,000);

seventh grade, twelve employees, one thousand five hundred dollars each (\$18,000);

five employees, one thousand four hundred dollars each (\$7,000);

sixth grade, five employees, one thousand two hundred dollars each (\$6,000);

two employees, one thousand dollars each (\$2,000);

fifth grade, three employees, nine hundred dollars each (\$2,700);

For rent of branch office New York city, one thousand seven hundred dollars (\$1,700).

For printing and binding insurance reports, two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same and necessary and incidental office expenses including New York office, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of department employees in the performance of their official duty, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For expenses of computation, compilation and publication of new valuation tables for valuations and other incidental expenses connected therewith, to carry into effect the provisions of section eighty-four of the insurance law, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

The following appropriations to be collected from and refunded to the treasury by the corporations under examination when disbursements therefrom are in consequence of services at or in connection with such examination:

For the salaries:

of the examiner of life insurance companies not to exceed five thousand dollars (\$5,000);

examiner of casualty and miscellaneous insurance companies not to exceed four thousand five hundred dollars (\$4,500);

examiner of fire and marine insurance companies not to exceed four thousand dollars (\$4,000);

assistant actuary, three thousand six hundred dollars (\$3,600);

one assistant examiner, three thousand dollars (\$3,000);

eighteen assistant examiners, forty-five thousand dollars (\$45,000), or so much thereof as may be necessary.

For services and expenses of department appraisers in the state, for services and expenses of appraisers and examiners designated in other states, for services and expenses of counsel and for expenses of examiners in connection with examination of insurance companies and for extra temporary services when required, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

DEPARTMENT OF LABOR.

For the salaries:

of the commissioner, five thousand dollars (\$5,000);

first deputy commissioner, two thousand seven hundred dollars (\$2,700);

second deputy commissioner, two thousand seven hundred dollars (\$2,700);

assistant first deputy commissioner or assistant factory inspector, two thousand four hundred dollars (\$2,400);

second assistant first deputy commissioner or assistant factory inspector, two thousand dollars (\$2,000);

counsel or assistant second deputy commissioner, two thousand four hundred dollars (\$2,400);

mediator of industrial disputes, two thousand five hundred dollars (\$2,500);

chief statistician, two thousand seven hundred dollars (\$2,700);

of the employees according to grade:

tenth grade, superintendent of licenses, two thousand four hundred dollars (\$2,400);

medical inspector of factories, two thousand four hundred dollars (\$2,400);

ninth grade, two employees, one thousand nine hundred dollars each (\$3,800);

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

one employee, one thousand seven hundred dollars (\$1,700);

seventh grade, two deputy factory inspectors, one thousand five hundred dollars each (\$3,000);

six employees, one thousand five hundred dollars each (\$9,000);

two employees, one thousand four hundred forty dollars each (\$2,880);

two employees, one thousand four hundred dollars each (\$2,800);

two employees, one thousand three hundred dollars each (\$2,600);

sixth grade, thirty-seven deputy factory inspectors, one thousand two hundred dollars each (\$44,400);

eight employees, one thousand two hundred dollars each (\$9,600);

thirteen deputy factory inspectors, one thousand dollars each (\$13,000);

two employees, one thousand dollars each (\$2,000);

fifth grade, three employees, nine hundred dollars each (\$2,700);

fourth grade, four employees, seven hundred twenty dollars each (\$2,880);

one or more temporary clerks, five hundred dollars (\$500);

For the actual and necessary traveling expenses of the commissioner, in the performance of his official duty, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the first and second deputies, their assistants, the mediator, the superintendent of licenses, the statisticians, the special agents and the deputy factory inspectors in the performance of their official duty under the direction of the commissioner, thirty-one thousand dollars (\$31,000), or so much thereof as may be necessary.

For printing, including the expense of publishing bulletins, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

For furniture, books, blanks, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same and other necessary and incidental office expenses, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For purchase of reports and materials for the bulletins and annual reports of the bureau of labor statistics, one thousand dollars (\$1,000).

LAND OFFICE.

For valuations, assessments and other actual and necessary expenses incurred in administering the laws relating to public lands, six thousand dollars (\$6,000), or so much thereof as may be necessary.

STATE COMMISSION IN LUNACY.

For the salaries:

of the medical commissioner, seven thousand five hundred dollars (\$7,500);

legal commissioner, five thousand dollars (\$5,000);

lay commissioner, five thousand dollars (\$5,000);

medical inspector, four thousand five hundred dollars (\$4,500);

secretary, four thousand dollars (\$4,000);

auditor of state hospital estimates, four thousand dollars (\$4,000);

of the employees according to grades:

eighth grade, one employee, one thousand seven hundred dollars (\$1,700);

seventh grade, three employees, one thousand five hundred dollars each (\$4,500);

sixth grade, four employees, one thousand two hundred dollars each (\$4,800);

fourth grade, one employee, seven hundred dollars (\$700);

second grade, one employee, four hundred twenty dollars (\$420);

For temporary clerical and expert services, five hundred dollars (\$500), or so much thereof as may be necessary.

For the traveling and incidental expenses of the three commis-

sioners, one thousand two hundred dollars each (\$3,600), pursuant to section three of the insanity law.

For the actual and necessary traveling expenses of the medical inspector, in the performance of his official duty, seven hundred fifty dollars (\$750), or so much thereof as may be necessary.

For the deportation of alien and non-resident lunatics to other countries and states, and for the transfer of patients from one hospital to another, eight thousand six hundred dollars (\$8,600).

For the salaries of the members of the board of alienists appointed under chapter three hundred twenty-six, laws of nineteen hundred four, fifteen thousand dollars (\$15,000).

For the actual and necessary traveling expenses of the members of said board in the performance of their official duty, two thousand dollars (\$2,000), and for services of interpreters, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For compensation and actual and necessary traveling expenses of special agents, in the performance of their official duty, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, six thousand dollars (\$6,000).

UTICA STATE HOSPITAL.

For the maintenance of the Utica state hospital, two hundred thirty-five thousand dollars (\$235,000), or so much thereof as may be necessary.

WILLARD STATE HOSPITAL.

For the maintenance of the Willard state hospital, four hundred thousand dollars (\$400,000), or so much thereof as may be necessary.

HUDSON RIVER STATE HOSPITAL.

For the maintenance of the Hudson river state hospital, four hundred seventy thousand dollars (\$470,000), or so much thereof as may be necessary.

MIDDLETOWN STATE HOMEOPATHIC HOSPITAL.

For the maintenance of the Middletown state homeopathic hospital, three hundred thirty thousand dollars (\$330,000), or so much thereof as may be necessary.

BUFFALO STATE HOSPITAL.

For the maintenance of the Buffalo state hospital, three hundred thirty thousand dollars (\$330,000), or so much thereof as may be necessary.

BINGHAMTON STATE HOSPITAL.

For the maintenance of the Binghamton state hospital, three hundred seventy thousand dollars (\$370,000), or so much thereof as may be necessary.

SAINT LAWRENCE STATE HOSPITAL.

For the maintenance of the Saint Lawrence state hospital, three hundred twenty thousand dollars (\$320,000), or so much thereof as may be necessary.

ROCHESTER STATE HOSPITAL.

For the maintenance of the Rochester state hospital, two hundred forty thousand dollars (\$240,000), or so much thereof as may be necessary.

GOWANDA STATE HOMEOPATHIC HOSPITAL.

For the maintenance of the Gowanda state homeopathic hospital, one hundred sixty thousand dollars (\$160,000), or so much thereof as may be necessary.

KINGS PARK STATE HOSPITAL.

For the maintenance of the Kings Park state hospital, five hundred five thousand dollars (\$505,000), or so much thereof as may be necessary.

LONG ISLAND STATE HOSPITAL.

For the maintenance of the Long Island state hospital, one hundred forty thousand dollars (\$140,000), or so much thereof as may be necessary.

MANHATTAN STATE HOSPITAL.

For the maintenance of the Manhattan state hospital, six hundred five thousand dollars (\$605,000), or so much thereof as may be necessary.

CENTRAL ISLIP STATE HOSPITAL.

For the maintenance of the Central Islip state hospital, five hundred fifty thousand dollars (\$550,000), or so much thereof as may be necessary.

For the maintenance of a pathological institute under the direction of the state commission in lunacy, pursuant to the insanity law and under the further provisions relating thereto contained in chapter five hundred ninety-eight, laws of nineteen hundred three, twenty-seven thousand five hundred dollars (\$27,500), or so much thereof as may be necessary.

NATIONAL GUARD.

For the salaries:

of the adjutant-general, four thousand dollars (\$4,000);

assistant adjutants-general, military storekeeper and clerical force, as provided in section one hundred sixty-one of the military code, twenty-three thousand dollars (\$23,000);

officers on the staff of the major-general commanding the national guard, as provided by section one hundred sixty of the military code, eleven thousand eight hundred dollars (\$11,800).

For allowances to headquarters of brigades, regiments, battalions and squadrons, as provided in section one hundred fifty-nine of the military code, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

For allowance to officers to assist in uniforming and equipping themselves and organizations, for the purpose of defraying necessary military expenses, as provided in sections one hundred fifty-six and one hundred fifty-seven of the military code, one hundred sixty-five thousand dollars (\$165,000), or so much thereof as may be necessary.

For payment of pensions to members of the national guard and naval militia and their care when injured or disabled in service, pursuant to sections one hundred twenty-nine and one hundred thirty-two, chapter five hundred fifty-nine, laws of eighteen hundred ninety-three and the acts amendatory thereof and for the expenses of examination of claims for pensions thereunder, ten thousand dollars (\$10,000) or so much thereof as may be necessary.

For postage and transportation of letters, official documents or other matter sent by express or freight, including boxes or covering for same, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the other actual and necessary expenses of the national guard and the office of the adjutant-general, to be expended in accordance with the military code, one hundred seventy-five thousand dollars (\$175,000), or so much thereof as may be necessary.

MILITARY RECORD FUND.

REVENUE.

For the adjutant-general for the expenses of the bureau of military records, payable from the revenue of the military record fund, two thousand dollars (\$2,000), or so much thereof as may be necessary.

NAVAL MILITIA.

For allowance to headquarters of the naval militia, and battalions, as provided in section one hundred fifty-nine of the military code, two thousand four hundred dollars (\$2,400), or so much thereof as may be necessary.

For allowance to officers of the naval militia to assist in uniforming and equipping themselves, and organizations of the naval militia, for the purpose of defraying necessary military expenses, as provided in sections one hundred fifty-six, and one hundred fifty-seven of the military code, five thousand six hundred dollars (\$5,600), or so much thereof as may be necessary.

For other actual and necessary expenses of the naval militia, to be expended in accordance with the military code, sixteen thousand dollars (\$16,000), or so much thereof as may be necessary.

NIAGARA RESERVATION.

For the salaries:

of the superintendent, two thousand four hundred dollars (\$2,400);

two operators of the inclined railway, nine hundred dollars each (\$1,800);

watchmen, janitors, scrub-woman and janitors' supplies two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

police, ticket-men and caretakers, five thousand two hundred dollars (\$5,200), or so much thereof as may be necessary.

For the commissioners' actual and necessary expenses in the performance of their official duty, superintendent's office expenses and actual and necessary traveling expenses in the performance of his official duty and for postage, messages and express charges, one thousand six hundred dollars (\$1,600), or so much thereof as may be necessary.

For salaries of foremen, teamsters, laborers and other employees as required, and the purchase of materials, tools, lights, fuel and other necessary and incidental expenses, fourteen thousand dollars (\$14,000), or so much thereof as may be necessary.

STATE COMMISSION OF PRISONS.

For the salaries:

of the president of the state commission of prisons, two thousand five hundred dollars (\$2,500);

secretary, three thousand dollars (\$3,000);

clerk, one thousand five hundred dollars (\$1,500);

stenographer, one thousand dollars (\$1,000).

For the actual and necessary traveling expenses of the commissioners and secretary in the performance of their official duty, and for furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

PRISON DEPARTMENT.

For the salaries:

of the superintendent of state prisons, six thousand dollars (\$6,000);

superintendent's clerk, four thousand dollars (\$4,000);

two stenographers, one thousand dollars each (\$2,000);

messenger, one thousand dollars (\$1,000);

one parole officer, one thousand five hundred dollars (\$1,500);

two parole officers, one thousand two hundred dollars each (\$2,400).

For the actual and necessary traveling expenses of the superintendent and his clerks, in the performance of their official duty, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the support and maintenance of the several state prisons pursuant to chapter three hundred eighty-two, laws of eighteen hundred eighty-nine and for the ordinary repairs thereof and supplying water therefor, the following sums, or so much thereof as may be necessary:

For Sing Sing prison, one hundred seventy-five thousand dollars (\$175,000); Auburn prison, one hundred sixty-six thousand dollars (\$166,000); Clinton prison, one hundred fifty-nine thousand dollars (\$159,000).

For the state prison for women at Auburn, pursuant to chapter three hundred six, laws of eighteen hundred ninety-three, and for the transportation of women prisoners, twenty-three thousand dollars (\$23,000).

For the actual and necessary traveling expenses of the parole officers in the performance of their official duty, and for rewards for delinquent paroled prisoners, four thousand dollars (\$4,000), or so much thereof as may be necessary.

DANNEMORA HOSPITAL FOR INSANE CONVICTS.

For the support and maintenance of the Dannemora hospital for insane convicts, seventy thousand dollars (\$70,000), or so much thereof as may be necessary, but the salary of no officer in this institution shall exceed the salary fixed by the schedule of the lunacy commission for like position.

MATTEAWAN STATE HOSPITAL FOR INSANE CRIMINALS.

For the support and maintenance of Matteawan state hospital for insane criminals, one hundred thirty-five thousand dollars (\$135,000), or so much thereof as may be necessary, but the salary of no officer in this institution shall exceed the salary fixed by the schedule of the lunacy commission for like position.

COMPENSATION OF SHERIFFS.

For compensation of sheriffs for the transportation of convicts to prisons, asylums for insane criminals, penitentiaries, houses of refuge and reformatories, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

MAINTENANCE OF CONVICTS.

For the maintenance of convicts sentenced to penitentiaries, in pursuance to chapter one hundred fifty-eight, laws of eighteen hundred fifty-six, chapter five hundred eighty-four, laws of eighteen hundred sixty-five, chapter six hundred sixty-seven, laws of eighteen hundred sixty-six, chapter five hundred seventy-four, laws of eighteen hundred sixty-nine, chapter two hundred forty-seven, laws of eighteen hundred seventy-four, chapter five hundred seventy-one, laws of eighteen hundred seventy-five, chapter four hundred ninety, laws of eighteen hundred eighty-five, chapter one hundred fifteen, laws of eighteen hundred ninety-one and chapter five hundred eighty-seven, laws of eighteen hundred ninety-two, forty-five thousand dollars (\$45,000), or so much thereof as may be necessary.

PAYABLE FROM THE CAPITAL FUND.

For the salaries:

- of one sales agent, four thousand dollars (\$4,000);
- one clerk, manufacturing department, three thousand six hundred dollars (\$3,600);
- two superintendents of industries, three thousand six hundred dollars each (\$7,200);
- one superintendent of industries, one thousand five hundred dollars (\$1,500);
- one assistant superintendent of industries, one thousand eight hundred dollars (\$1,800);
- one master mechanic, three thousand dollars (\$3,000);
- one financial agent, New York city, two thousand four hundred dollars (\$2,400);
- one financial agent, Sing Sing, one thousand eight hundred dollars (\$1,800);
- two foremen, two thousand four hundred dollars each (\$4,800);

of the employees according to grade:

- ninth grade, one foreman, two thousand one hundred dollars (\$2,100);
two foremen, two thousand dollars each (\$4,000);
- eighth grade, two foremen, one thousand eight hundred dollars each (\$3,600);
- seventh grade, four foremen, one thousand five hundred dollars each (\$6,000);
three foremen, one thousand three hundred dollars each (\$3,900);
- sixth grade, one foreman, one thousand two hundred dollars (\$1,200);
thirteen foremen, one thousand one hundred dollars each (\$14,300);
one instructor, one thousand one hundred dollars (\$1,100);
four foremen, one thousand eighty dollars each (\$4,320);
- fifth grade, thirty employees, nine hundred dollars each (\$27,000);
twelve employees, seven hundred thirty dollars each (\$8,760);
- third grade, two employees, six hundred dollars each (\$1,200);
- first grade, three employees, three hundred dollars each (\$900);

for the payment of any additional foremen or employees made necessary by any increase of the state prison industries, approved by the civil service commission, three thousand dollars (\$3,000), or so much thereof as may be necessary, but no part thereof shall be available for any increase of the salaries of any of the above specified employees.

No other salaries or compensation for services shall be paid from the capital fund except as above provided.

PRINTING.

For legislative printing of the state, two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, and the comptroller is authorized to pay from said

amount for the services of an expert printer to examine all the accounts for printing, a sum not to exceed two thousand seven hundred dollars (\$2,700) per annum.

SESSION LAWS AND OFFICIAL CANVASS.

For the publication of the session laws and the official canvass and official notices provided by law, which are subjects of contract, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

PUBLICATION OF GENERAL LAWS.

For the payment of newspapers in the various counties in this state for the publication of the general laws of the state pursuant to chapter seven hundred fifteen, laws of eighteen hundred ninety-two, one hundred thousand dollars (\$100,000), or so much thereof as may be necessary.

DEPARTMENT OF PUBLIC BUILDINGS.

For the salaries:

- of the superintendent, five thousand dollars (\$5,000);
- deputy superintendent, two thousand five hundred dollars (\$2,500);
- chief engineer, two thousand four hundred dollars (\$2,400);
- chief orderly, one thousand five hundred dollars (\$1,500);
- chief of the labor division (foreman), one thousand five hundred dollars (\$1,500);
- chief of the state hall division (janitor), one thousand two hundred dollars (\$1,200);
- chief of the agricultural and geological hall division (janitor), one thousand two hundred dollars (\$1,200);
- chief of the machinery division (machinist and locksmith), one thousand two hundred dollars (\$1,200);
- chief of the stone and tile division (stone and tile setter), one thousand two hundred dollars (\$1,200);
- chief of the carpentry division (chief carpenter), one thousand dollars (\$1,000);

chief of the upholstery division (upholsterer), nine hundred dollars (\$900);

chief of the carpet and shade division (carpet and shade-maker), nine hundred dollars (\$900);

chief of the painting division (painter), nine hundred dollars (\$900);

of the clerical force, as follows:

ninth grade, two employees, two thousand dollars each (\$4,000);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, two employees, one thousand two hundred dollars each; one employee, one thousand dollars (\$3,400);

fourth grade, one employee, seven hundred twenty dollars (\$720).

For the services of orderlies, watchmen, engineers, firemen, carpenters, machinists, electricians, mechanics, cleaners, laborers, porters and other necessary employees in the care and maintenance of the public buildings, one hundred seven thousand dollars (\$107,000), or so much thereof as may be necessary.

The sum of fifty thousand dollars (re. \$50,000), or so much thereof as may be necessary, being the unexpended balance of an appropriation made by chapter six hundred eighty-three, laws of nineteen hundred six, together with a portion of the unexpended balance of an appropriation made by chapter six hundred eighty-six, laws of nineteen hundred six, for lighting and necessary fixtures and appliances therefor, is hereby reappropriated for furniture, repairs, coal, fuel and other necessary and incidental expenses.

DEPARTMENT OF PUBLIC WORKS.

PAYABLE FROM CANAL FUND.

For the salaries:

of the superintendent of public works, six thousand dollars (\$6,000); deputy superintendent, four thousand dollars (\$4,000); three assistant superintendents, three thousand dollars each (\$9,000);

financial clerk, three thousand six hundred dollars (\$3,600); assistant financial clerk, two thousand seven hundred dollars (\$2,700);

of the collectors and compilers of statistics relating to the trade and tonnage of the canals during the season of navigation, eight thousand twenty-

five dollars (\$8,025), comprising two collectors at one hundred and twenty-five dollars each per month, five collectors at one hundred dollars each per month, and four collectors at eighty dollars each per month; collectors, clerks and inspectors and measurers of boats, seven thousand two hundred and thirty-eight dollars (\$7,238), comprising three clerks at eighty dollars each per month, five clerks at seventy-five dollars each per month, and five clerks at seventy dollars each per month.

For the payment of the expenses of lock-tending and the ordinary repairs of the canals of the state, seven hundred seventy-five thousand dollars (\$775,000), or so much thereof as may be necessary.

For the compensation of gate tenders of the state dams upon the Beaver and Moose rivers, as provided by chapter one hundred sixty-eight, laws of eighteen hundred ninety-four, one thousand one hundred dollars (\$1,100), or so much thereof as may be necessary, to be paid by the comptroller on the certificate of the commissioners appointed under said act or a majority thereof.

PAYABLE FROM THE GENERAL FUND.

For the compensation of the tender and for the maintenance and operation of the draw-bridge over Minisceongo creek, Rockland county, seven hundred dollars (\$700), or so much thereof as may be necessary, on the certificate of the superintendent of public works.

For the operation, maintenance and repair of the draw-bridge known as Drake's draw-bridge, spanning Wappinger creek, in the village of New Hamburg, county of Dutchess, as provided by chapter two hundred thirty-nine, laws of eighteen hundred ninety-two, six hundred dollars (\$600), or so much thereof as may be necessary.

STEAM VESSEL INSPECTION.

For the salaries of the inspectors of steam vessels, six thousand dollars (\$6,000).

For their necessary traveling expenses, and for the supplies necessary for the performance of said duties, one thousand five

hundred dollars (\$1,500), or so much thereof as may be necessary, pursuant to chapter five hundred ninety-two, laws of eighteen hundred ninety-seven.

RAILROAD COMMISSIONERS.

For the salaries:

- of the commissioners of quarantine, seven thousand five hundred dollars (\$7,500);
- secretary, one thousand eight hundred dollars (\$1,800);
- confidential stenographer, nine hundred dollars (\$900);
- superintendent, one thousand two hundred dollars (\$1,200);
- captain of the tug, one thousand two hundred dollars (\$1,200);
- engineer, one thousand eighty dollars (\$1,080);
- fireman and one deck hand, four hundred eighty dollars each (\$960);
- pilot, six hundred dollars (\$600);
- steward, six hundred dollars (\$600);
- superintendent of Swinburne island, two thousand five hundred dollars (\$2,500);
- engineer, one thousand one hundred fifty dollars (\$1,150);
- carpenter, nine hundred dollars (\$900);
- two laborers, seven hundred twenty dollars each (\$1,440);
- the cook, two hundred forty dollars (\$240);
- laundryman, three hundred dollars (\$300);
- superintendent of Hoffman island, one thousand five hundred dollars (\$1,500);
- engineer, one thousand fifty dollars (\$1,050);
- carpenter, nine hundred dollars (\$900);
- master mechanic, one thousand two hundred eighty dollars (\$1,280);

two laborers, seven hundred twenty dollars each (\$1,440);

For maintenance, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

RAILROAD COMMISSIONERS.

For the salaries:

of five commissioners, eight thousand dollars each (\$40,000);

the secretary, six thousand dollars (\$6,000);

assistant secretary, four thousand dollars (\$4,000);

steam railroad inspector, three thousand dollars (\$3,000);

electrical expert, four thousand dollars (\$4,000);

locomotive boiler inspector, three thousand dollars (\$3,000);

accountant, three thousand dollars (\$3,000);

examiner, two thousand five hundred dollars (\$2,500);

general railroad inspector, three thousand dollars (\$3,000);

railroad inspector for New York office, two thousand dollars (\$2,000);

of the employees according to grade:

seventh grade, nine employees, one thousand five hundred dollars each (\$13,500);

sixth grade, two employees, one thousand two hundred dollars each (\$2,400);

second grade, one employee, four hundred twenty dollars (\$420).

For the actual and necessary traveling expenses of the commissioners, secretary, assistant secretary, inspectors, accountants, electrical and other experts, stenographers and clerks in the performance of their official duty; the temporary service of engineers, accountants, experts and clerks pursuant to section one hundred fifty-three of the railroad law; and for furniture, books, blanks, printing, stationery, messages, postage and transportation

of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, including rent and expenses of the New York office, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

The amounts above mentioned shall be refunded to the treasury by the several corporations owning or operating railroads in this state, in such manner and proportion as is prescribed by law.

GRADE CROSSINGS.

To carry into effect the provisions of chapter seven hundred fifty-four, laws of eighteen hundred ninety-seven, and the acts amendatory thereof, for the employment of expert and clerical service necessary to supervise the work performed under said law, and to prepare plans, maps and specifications therefor, and for other actual and necessary expenses:

For the salaries:

of the superintendent of the grade-crossing bureau, three thousand dollars (\$3,000);

inspector of grade-crossings, one thousand eight hundred dollars (\$1,800); and for the actual and necessary traveling expenses of the commissioners, secretary, assistant secretary, superintendent, inspectors, accountants, experts, stenographers and clerks, in the performance of their official duty in relation to grade-crossing work and books, blanks, printing and supplies, one thousand seven hundred dollars (\$1,700), or so much thereof as may be necessary.

STATE BOARD OF TAX COMMISSIONERS.

For the salaries:

of the tax commissioners, fifteen thousand dollars (\$15,000);
secretary, three thousand five hundred dollars (\$3,500);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

seventh grade, two employees, one thousand five hundred dollars each (\$3,000);

one employee, one thousand four hundred dollars (\$1,400);

sixth grade, two employees, one thousand dollars each (\$2,000);

second grade, one employee, four hundred eighty dollars (\$480).

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other incidental and necessary office expenses, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the commissioners in the performances of their official duty, one thousand five hundred dollars each (\$4,500), or so much thereof as may be necessary.

For the salaries of six special agents, ten thousand eight hundred dollars (\$10,800), or so much thereof as may be necessary, and the further sum of six thousand dollars (\$6,000), or so much thereof as may be necessary, for their actual and necessary traveling expenses in the performance of their official duty.

For services and actual and necessary traveling expenses of confidential and expert appraisers of special franchises, the sum of twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

For the salary of a mortgage tax clerk, two thousand five hundred dollars (\$2,500), and the further sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, for his actual and necessary traveling expenses in the performance of his official duty.

STATE WATER SUPPLY COMMISSION.

For the salaries:

of the state water supply commissioners, twenty-five thousand dollars (\$25,000);

consulting engineer, four thousand dollars (\$4,000);

secretary, two thousand four hundred dollars (\$2,400);

stenographer, nine hundred dollars (\$900).

For the actual and necessary traveling expenses of the five commissioners in the performance of their official duty, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the engineer, in the performance of his official duty, five hundred dollars (\$500), or so much thereof as may be necessary.

For office rent, four hundred fifty dollars (\$450).

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary incidental office expenses, one thousand dollars (\$1,000), or so much thereof as may be necessary.

FISCAL SUPERVISOR OF STATE CHARITIES.

For the salaries:

of the fiscal supervisor of state charities, six thousand dollars (\$6,000);

secretary, three thousand dollars (\$3,000);

chief clerk, two thousand five hundred dollars (\$2,500);

inspector of buildings, heating and lighting, two thousand dollars (\$2,000);

confidential inspector, one thousand two hundred dollars (\$1,200);

of the employees according to grade:

eighth grade, two employees, one thousand eight hundred dollars each (\$3,600);

seventh grade, two employees, one thousand five hundred dollars each (\$3,000);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

fifth grade, three employees, nine hundred dollars each (\$2,700);

fourth grade, two employees, seven hundred twenty dollars each (\$1,440);

second grade, one employee, four hundred eighty dollars (\$480).

For the actual and necessary traveling expenses of the fiscal supervisor in the performance of his official duty, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For furniture, books, blanks, printing, messages and other necessary and incidental office expenses, including the services of a competent person to examine the books, papers and accounts of any institution, as provided in article three of the state charities law, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

For the necessary expenses of the purchasing committee of the state charitable institutions for advertising for proposals, making chemical analyses, clerical services, printing, blanks, stationery, and postage, five hundred dollars (\$500), or so much thereof as may be necessary.

PUBLIC INSTITUTIONS.

WESTERN HOUSE OF REFUGE FOR WOMEN, ALBION.

For the western house of refuge for women at Albion, for the maintenance of the institution and for the transportation of those committed to it, forty-five thousand dollars (\$45,000), or so much thereof as may be necessary.

NEW YORK STATE SCHOOL FOR THE BLIND, BATAVIA.

For the maintenance and instruction of the inmates of the state school for the blind at Batavia, forty thousand dollars (\$40,000), or so much thereof as may be necessary.

NEW YORK STATE SOLDIERS' AND SAILORS' HOME, BATH.

For the New York state soldiers' and sailors' home at Bath, for maintenance and for the transportation of applicants for admission, two hundred forty thousand dollars (\$240,000), or so much thereof as may be necessary.

NEW YORK STATE REFORMATORY FOR WOMEN, BEDFORD.

For the New York state reformatory for women at Bedford, for the maintenance of the institution and for the transportation of those committed to it, fifty-five thousand dollars (\$55,000), or so much thereof as may be necessary.

NEW YORK STATE REFORMATORY, ELMIRA.

For the New York state reformatory at Elmira, for maintenance and ordinary repairs and for the purchase of material and for expenses of manufacturing, two hundred thirty-five thousand dollars (\$235,000), or so much thereof as may be necessary.

NEW YORK STATE TRAINING SCHOOL FOR GIRLS, HUDSON.

For the New York state training school for girls at Hudson, for the maintenance of the institution and for the transportation of those committed to it, seventy thousand dollars (\$70,000), or so much thereof as may be necessary.

THOMAS INDIAN SCHOOL, IROQUOIS.

For the Thomas Indian school at Iroquois, for maintenance, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

EASTERN NEW YORK REFORMATORY, NAPANOCH.

For the Eastern New York Reformatory at Napanoch, for maintenance, seventy thousand dollars (\$70,000), or so much thereof as may be necessary.

NEW YORK STATE CUSTODIAL ASYLUM, NEWARK.

For the New York state custodial asylum for feeble-minded women at Newark, for maintenance and for other necessary expenses, eighty-two thousand dollars (\$82,000), or so much thereof as may be necessary.

NEW YORK STATE WOMAN'S RELIEF CORPS HOME, OXFORD.

For the New York state woman's relief corps home at Oxford, for maintenance, thirty-three thousand dollars (\$33,000), or so much thereof as may be necessary.

NEW YORK HOUSE OF REFUGE, RANDALL'S ISLAND.

For the society for the reformation of juvenile delinquents in the city of New York, for maintenance and rewards to inmates and repairs and betterments of tools and equipment and furniture, and for necessary tools to properly conduct the trade school and common schools and military system and photographing of inmates, one hundred thirty thousand dollars (\$130,000), or so much thereof as may be necessary. No part of the sum hereby appropriated shall be used to pay for insurance.

NEW YORK STATE HOSPITAL FOR TUBERCULOSIS, RAY BROOK.

For the New York state hospital for the treatment of incipient pulmonary tuberculosis at Ray Brook, for the maintenance of the institution, sixty thousand dollars (\$60,000), or so much thereof as may be necessary.

STATE AGRICULTURAL AND INDUSTRIAL SCHOOL, RUSH.

For the state agricultural and industrial school at Rush, for the maintenance of and rewards to inmates, and repairs and betterments of tools, equipment and furniture, and for necessary tools to conduct the trade schools and common schools and military system and photographing of inmates, one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary.

ROME STATE CUSTODIAL ASYLUM, ROME.

For the Rome state custodial asylum, for maintenance, one hundred and thirty thousand dollars (\$130,000), or so much thereof as may be necessary.

CRAIG COLONY FOR EPILEPTICS, SONYEA.

For the Craig colony for epileptics at Sonyea, for the maintenance of the institution, one hundred and sixty-six thousand dollars (\$166,000), or so much thereof as may be necessary.

SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN.

For the Syracuse state institution for feeble-minded children, for maintenance, eighty-two thousand dollars (\$82,000), or so much thereof as may be necessary.

NEW YORK STATE HOSPITAL FOR THE CARE OF CRIPPLED AND
DEFORMED CHILDREN, WEST HAVERSTRAW.

For the New York state hospital for the care of crippled and deformed children at West Haverstraw, for maintenance, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

OTHER CHARITABLE AND EDUCATIONAL INSTI-
TUTIONS.

NEW YORK INSTITUTION FOR THE BLIND.

For the support and instruction of one hundred eighty pupils at the New York institution for the blind, in addition to the sum of sixteen thousand three hundred thirty-eight dollars and thirty-five cents (re. \$16,338.35), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of thirty-seven thousand six hundred and sixty-one dollars and sixty-five cents (\$37,661.65), or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by the affidavits of the president and secretary of the institution.

DEAF AND DUMB.

For the support and instruction of two hundred fifty pupils at the Institute for the Deaf and Dumb, in New York city, in addition to the sum of one thousand five hundred forty-two dollars and thirty-four cents (re. \$1,542.34), remaining unexpended of appropriations heretofore made therefor and which is hereby reappropriated for the current and next fiscal year, the further sum of seventy-three thousand four hundred fifty-seven dollars and sixty-six cents (\$73,457.66).

For the support and instruction of one hundred twenty pupils at the institution for the improved instruction of deaf-mutes in New York city, in addition to the sum of seven thousand one hundred ninety-nine dollars and twenty-one cents (re. \$7,199.21), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of twenty-eight thousand eight hundred dollars and seventy-nine cents (\$28,800.79).

For the support and instruction of one hundred ten pupils at the Le Couteulx Saint Mary's institution for the improved instruction of deaf-mutes, at Buffalo, in addition to the sum of ten thousand four hundred thirty-nine dollars and two cents (re. \$10,439.02), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and next fiscal years, the further sum of twenty-two thousand five hundred sixty dollars and ninety-eight cents (\$22,560.98).

For the support and instruction of one hundred fifteen pupils at the Central New York institution for the improved instruction of deaf-mutes, at Rome, in addition to the sum of twelve thousand seven hundred ninety-five dollars and fifty-three cents (re. \$12,795.53), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of twenty-one thousand seven hundred four dollars and forty-seven cents (\$21,704.47).

For the support and instruction of sixty-five pupils at the Northern New York institution for deaf-mutes, at Malone, in addition to the sum of five thousand one hundred thirty-seven dollars and twenty-nine cents (re. \$5,137.29), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of fourteen thousand three hundred sixty-two dollars and seventy-one cents (\$14,362.71).

For the support and instruction of two hundred twenty-two pupils at Saint Joseph's institution for the improved instruction of deaf-mutes, at Fordham, in addition to the sum of two thousand nine hundred thirty-seven dollars and eighty-three cents (re. \$2,937.83), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of sixty-three thousand six hundred sixty-two dollars and seventeen cents (\$63,662.17).

For the support and instruction of twenty-five pupils at the Albany home school for the deaf, in addition to the sum of one thousand ten dollars and fifty-nine cents (re. \$1,010.59), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of six thousand four hundred eighty-nine dollars and forty-one cents (\$6,489.41).

For the support and instruction of one hundred fifteen pupils at the Western New York institution, at Rochester, for the improved instruction of deaf-mutes, in addition to the sum of one thousand four hundred sixty dollars and fifty-nine cents (re. \$1,460.59), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of thirty-three thousand thirty-nine dollars and forty-one cents (\$33,039.41).

The amount hereby appropriated for the several institutions for the support and instruction of deaf-mutes is at the rate of three hundred dollars per capita per annum and a proportionate amount for shorter period of time than one year, or for a smaller number of pupils in each case, and shall be allowed in each of the last eight items, and paid by the comptroller, upon certificate verified by oath of the president and secretary of such institution, and upon the approval of the commissioner of education.

ALFRED UNIVERSITY.

For the maintenance of the state school of clay workings and ceramics at Alfred university as provided by chapter three hundred eighty-three, laws of nineteen hundred, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

CORNELL UNIVERSITY.

For payment to Cornell university, being the interest at five per centum on the proceeds of the college land scrip fund pursuant to chapter seventy-eight, laws of eighteen hundred ninety-five, thirty-four thousand four hundred twenty-eight dollars and eighty cents (\$34,428.80).

For the state veterinary college at Cornell university for maintenance, equipment and necessary material to conduct the same, thirty thousand dollars (\$30,000), payable to the treasurer of Cornell university on the warrant of the comptroller.

For the state college of agriculture at Cornell university for the promotion of agricultural knowledge throughout the state as provided by chapter four hundred thirty, laws of eighteen hundred and ninety-nine, and for the maintenance, equipment and necessary material to conduct the college of agriculture, one hundred fifty thousand dollars (\$150,000), payable to the treasurer of Cornell university on the warrant of the comptroller.

MISCELLANEOUS.

COUNTY TREASURERS.

For advances to county treasurers on account of taxes on property of non-residents, and for taxes on state, wild or forest lands which may be returned to the comptroller's office, and for adjusting accounts of state taxes with counties, fifty-five thousand dollars (\$55,000), or so much thereof as may be necessary.

REDEMPTION OF LANDS.

The sum of nine thousand dollars (\$9,000), for repayment of money to purchasers upon redemption of lands sold for taxes.

REFUND OF TAXES.

The sum of one thousand dollars (\$1,000), for repayment of money erroneously paid into the treasury for taxes.

INDIAN AFFAIRS.

For the payment of the annuities to the several Indian tribes, as follows:

To the Onondagas, two thousand four hundred thirty dollars (\$2,430);

Cayugas, two thousand three hundred dollars (\$2,300);

Senecas, five hundred dollars (\$500);

Saint Regis, two thousand one hundred thirty-one dollars and sixty-seven cents (\$2,131.67).

For the relief of the Onondaga Indians, three hundred dollars (\$300).

For compensation of the agent of the Onondaga Indians, two hundred dollars (\$200).

For compensation of the agent of the Onondaga Indians, pursuant to chapter one hundred seventy-eight, laws of eighteen hundred forty-seven and chapter six hundred thirty-five, laws of eighteen hundred sixty-nine, sixty-five dollars (\$65).

For compensation of the agent of the Onondaga Indians, residing on the Allegany and Cattaraugus reservation, one hundred fifty dollars (\$150).

For compensation of the attorney of the Saint Regis Indians, one hundred fifty dollars (\$150).

For compensation of the attorney of the Seneca Indians, one hundred fifty dollars (\$150).

For compensation of the attorney of the Tonawanda band of Seneca Indians, one hundred fifty dollars (\$150).

VARIOUS.

For the lieutenant-governor and the speaker of the assembly, for their actual and necessary traveling expenses in the performance of their duties upon the several boards of which they are members, one thousand dollars each (\$2,000), or so much thereof as may be necessary.

For the trustees of Washington's headquarters, at Newburgh, for compensation of the superintendent, and for the care, maintenance, repairs and improvements of the grounds, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the trustees of public buildings, for the salary of the keeper of the senate-house property, at Kingston, pursuant to chapter two hundred twenty-seven, laws of eighteen hundred ninety-three, six hundred dollars (\$600).

For the salary of the custodian and care-taker of the state reservation at Stony Point, six hundred dollars (\$600), or so much thereof as may be necessary, payable monthly.

For the expenses of the board of port wardens of the port of New York, pursuant to chapter one hundred forty-two, laws of eighteen hundred ninety-one, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary.

For salary of janitor of the Saratoga monument, six hundred dollars (\$600), as provided by chapter five hundred fifty-five, laws of eighteen hundred ninety-five.

For care and maintenance of Grant cottage, as provided by chapter six hundred sixty-seven, laws of eighteen hundred ninety-six, one thousand dollars (\$1,000), or so much thereof as may be necessary.

§ 2. The several amounts herein appropriated shall be paid by the treasurer from the respective sums as specified, pursuant to the requirements of the state finance law, and it shall be the duty of the treasurer to report annually to the legislature the detail of the several expenditures. The salary or compensation of any officer or employee, when not prescribed by law, for which an appropriation is made by this act, may be fixed by the department, official or officials appointing such officer,

or employing such employee, at a less, but not a greater sum than the amount herein appropriated for the salary or compensation of such officer or employee. No appropriation herein contained shall be available for the salary or compensation of any regular officer or employee whose employment or office is not herein specified unless his appointment or employment is expressly authorized, and except as otherwise herein expressly provided, the appropriations made in this act for traveling expenses of officers or employees are for actual and necessary expenses only, in the performance of official duty and to be paid upon proper proof thereof, as required by section twelve of the state finance law, and no other or further or fixed allowance for expenses shall be granted or paid, anything in any other statute to the contrary notwithstanding.

The appropriations made in this act for the salaries of employees by grades are intended to refer to such grades as established by, and in accordance with, chapter five hundred twenty-one, laws of nineteen hundred one, and such appropriations shall be available for the salaries of employees in any grade lower than the one specified in the appropriation act.

A manager, trustee or officer of any state charitable or other institution receiving moneys under this act from the state treasury, for maintenance and support, shall be entitled to actual and necessary traveling expenses only when attending meetings of the board at the office of the institution or visiting the institution or in attendance on the state board of charities or the fiscal supervisor of state charities, pursuant to a request of said board or fiscal supervisor of state charities.

(No. 43.)

AN ACT authorizing the Marcellus and Otisco Lake railway company and the Newark and Marion railway company to use locomotive steam power as a motive power.

The People of the State of New York, represented in Senate and assembly, do enact as follows:

Section 1. The Marcellus and Otisco Lake railway company in the county of Onondaga may, if the approval in writing of the board of railroad commissioners or its successor be obtained,

use locomotive steam power as a motive power upon its railroad as now constructed, provided, however, that said company shall observe and comply with all rules and regulations with regard to operation and all requirements as to construction or as to removal of grade crossings which may be made from time to time either by said board of railroad commissioners or by its successor, or by any other authority to whom the legislature may delegate such duty or power.

§ 2. The Newark and Marion railway company in the county of Wayne may, if the approval in writing of the board of railroad commissioners or its successor be obtained, use locomotive steam power as a motive power upon its railroad as now constructed, provided, however, that said company shall observe and comply with all rules and regulations with regard to operation and all requirements as to construction or as to removal of grade crossings which may be made from time to time either by said board of railroad commissioners or by its successor or by any other authority to whom the legislature may delegate such duty or power.

§ 3. The right to repeal this law is expressly reserved and all authority to either of said roads to use locomotive steam power as a motive power may be revoked at any time, either by said board of railroad commissioners or by its successor or by any other authority to whom jurisdiction in the premises may be given by the legislature.

§ 4. This act shall take effect immediately.

(No. 44.)

AN ACT to amend the insurance law, relating to the certificate of authority of agents and to the election of directors.

The People of the State of New York, represented in Senate and assembly, do enact as follows:

Section 1. Section ninety-one of the insurance law, being chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, entitled "An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws," as amended by chapter nine hundred and ninety-five of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 91. Certificate of authority of agents.—No person shall act as agent, subagent or broker, in the solicitation or procurement of applications for insurance or for any policy of insurance, for any life insurance corporation doing business in this state, without first procuring from the superintendent of insurance a certificate of authority, which must be renewed annually on the first day of January, or within sixty days thereafter [and a duplicate of which shall be filed in the office of the superintendent]. Such certificate of authority shall be executed in triplicate; one copy thereof shall be filed in the office of the superintendent, and two copies thereof shall be issued to such agent, subagent or broker, one of which copies such agent, subagent or broker shall, within thirty days after such certificate is issued, cause to be filed in the office of the county clerk of the county in which such agent, subagent or broker resides. Agents operating solely for companies transacting industrial or prudential insurance on the weekly payment plan of insurance are exempted from the provisions of this section. And this exemption shall apply to all agents representing foreign life insurance corporations transacting business upon the prudential or industrial plan of insurance. On the conviction of any person acting as agent, subagent or broker, of the commission of any act which is a violation of any of the provisions of this [and the preceding section] chapter, the superintendent shall immediately revoke the certificate of authority issued to him and no such certificate shall thereafter be issued to such convicted person by the superintendent for three years from the date of his conviction.

§ 2. Section ninety-four of the insurance law, as added by chapter three hundred and twenty-six of the laws of nineteen hundred and six, entitled "An act to amend the insurance law generally," is hereby amended to read as follows:

§ 94. Election of directors.—The following provisions are hereby established for the election of directors:

1. At every election of directors in any domestic mutual life insurance corporation, whether incorporated by special act or under general law and anything to the contrary in its charter, certificate of incorporation or by-laws notwithstanding, every policyholder whose insurance shall be in force and shall have been in force for at least one year prior thereto shall be entitled to vote without other qualification.

2. Every such policyholder, and every other person having a right to vote by virtue of any contract made prior to the enact-

ment of this section which shall remain in force until the date of such election, shall be entitled to vote in person or by proxy or by mail, as herein provided.

3. Except as otherwise now provided with reference to existing policies, every policyholder shall be entitled to one vote only irrespective of the number of policies or the amount of insurance held by him; and unless a policy shall have been assigned more than six months prior to the election by an assignment absolute on its face to an assignee other than the corporation which shall have issued the policy the person upon whose application the policy shall have been issued, or if the application be signed by more than one person, the person whose life is insured shall be deemed to be a policyholder entitled to vote as aforesaid; in case a policy shall have been assigned as aforesaid, the assignee shall be deemed to be a policyholder entitled to vote, provided his signature, either attested by the assignor or acknowledged in like manner as in case of a deed to be recorded in this state, shall have been filed at the home office of the corporation which shall have issued the policy.

4. At least [five] six months prior to every such election every such corporation shall file with the superintendent of insurance two full and correct lists of the names and last known postoffice addresses of all policyholders whose insurance was in force twelve months prior to the date fixed for such election, and all other policyholders entitled to vote by virtue of contracts made prior to the enactment of this section. The names of said policyholders shall be arranged on said lists alphabetically, placed in separate volumes containing not to exceed three thousand names, and shall be classified by states, territories and possessions of the United States and by foreign countries. Such corporation shall also maintain two similar lists at its home office; [and at its general agencies in every state, territory and possession of the United States and in foreign countries, unless prohibited by law, it shall maintain two similar lists of such policyholders residing in such jurisdiction.] and these lists shall be corrected from the records at the home office so that a list as nearly correct as may be shall be on file to within three months of such an election.

5. All said lists shall be subject to inspection and copy under regulations prescribed by the superintendent of insurance at any time during business hours by any policyholder in said corporation or by his authorized representative during the [five] six

months prior to such election; provided, however, that after such election, or, if no candidate shall have been nominated other than those nominated by the board of directors, then after the time for such independent nominations shall have expired, such lists may be withdrawn by the corporation filing and maintaining the same as aforesaid; and thereafter, prior to the next election, new lists shall be filed and maintained, subject to inspection and copy, as above provided, which may be similarly withdrawn.

6. Where policyholders of any domestic stock life insurance corporation have become or shall become entitled to vote for directors, they shall be entitled to vote in person, by proxy or by mail, as herein provided and two similar lists of policyholders, qualified to vote, in accordance with the charter or by-laws of such corporation, except the holders of industrial policies, shall be filed and maintained in the office of the superintendent of insurance and at the home office [and general agencies of such corporation] respectively, similarly arranged and similarly subject to inspection and copy and withdrawal as in the case of mutual corporations as above provided.

7. Where policyholders in any company shall have made nominations as hereinafter prescribed, they, or a committee representing them, shall upon demand, with the approval of the superintendent of insurance and the payment to the company of the actual cost of making such copies, be furnished by such company with a copy of such list of policyholders or with a copy therefrom of the list for a separate jurisdiction. A copy of a list so taken, or of any part thereof, shall be held by persons receiving the same inviolate for the purposes of said nominators in a pending election and shall not be transferred to other persons for any other use whatever. At the close of the canvass of the votes all copies of such lists shall be returned to the company.

8. At least [five] seven months prior to the date of any election of directors in any such corporation, the board of directors shall nominate candidates for every vacancy to be filled at such election and shall also appoint three persons, jointly or severally, to receive proxies to be voted for said nominees, and shall also file with the superintendent of insurance and at its home office [and at the office of every general agency above described] a certificate of the names of the candidates so nominated and of the person so designated to receive said proxies which shall be described as the "administration ticket."

9. Any one hundred or more, qualified voters of such corporation may make other nominations for one or more vacancies to be filled at any such election by filing with the superintendent of insurance at least [three] five months before the election [and at the home office of the corporation] a certificate signed and acknowledged, giving the names and addresses of the candidates nominated, the names and addresses of three persons, jointly or severally, designated to receive proxies to be voted for said nominees, and an appropriate name or title designated by the superintendent of insurance to distinguish the ticket from the administration ticket and other nominations. Such nominators must also file a copy of said certificate, certified by said superintendent, at the home office of the company at least five months before such election.

10. All certificates of nomination shall be accompanied by a written acceptance of such nomination by each nominee thereon. A court of record may for cause shown direct the name of any candidate to be stricken from a ticket on file and may authorize the nominators of such ticket to substitute the name of another person to fill the vacancy so made.

11. If no independent nomination shall have been made as hereinbefore provided, then and in that case all further proceedings in connection with such election as provided by this section may be omitted, and said election shall then be conducted and held under such rules and regulations as the superintendent of insurance may prescribe; but no votes shall be cast or counted except for said candidates nominated by the board of directors, or for such candidates as the board of directors may have nominated to fill vacancies among said candidates caused by the death, disability or refusal to stand as candidates of any one or more of those so nominated.

12. At least [two] three months prior to any such election the corporation shall cause to be mailed, in a serially numbered sealed envelope with postage prepaid, to each policyholder whose name shall be upon said list and whose policy shall still be in force, at his last known postoffice address, [a statement of the candidates] a corresponding serially numbered official ballot in a form approved by the superintendent of insurance and containing the respective tickets nominated as hereinbefore provided and [of] the names and addresses of the persons so appointed to receive proxies. A corresponding serially numbered stub or card contain-

ing the name and address of the policyholder to whom each ballot is sent shall be retained at the home office of the company for the purpose of identifying said ballot when returned. Such [statement] official ballot shall be conveniently arranged under the names or titles by which the nominations have been designated and shall have printed upon it the name of the company, the post-office address of its home office, the number of directors to be elected and the names of those whose terms expire, the date of the election and instructions as herein provided for [the use thereof as ballots] executing such official ballot or for the use of a proxy as herein provided and a designated space for the signature[s] of the policyholder, the number of one of his policies and the signature of a subscribing witness.

13. No other or different ballot shall be used, except that a duplicate ballot or ballots may be supplied to any policyholder and voter or to the holder of his proxy, for his own use, pursuant to rules and regulations prescribed by the superintendent of insurance.

14. There shall be enclosed in such sealed envelope with such [statement] official ballot a suitable return gummed envelope having thereon the name and postoffice address of the home office of the corporation[,] and the words "ballot for directors" [and a designated space for the policyholder so voting to write his name, his postoffice address and the number of at least one policy held by him]. There shall also be enclosed in such sealed envelope a suitable blank proxy upon which shall be printed a statement of the right of the policyholder to vote either by mail or by proxy as herein provided or in person.

15. No other papers or written or printed matter shall be enclosed in such sealed envelope. [and] S[s]pecimen[s] copies of such sealed envelope and enclosures shall be approved by the superintendent of insurance before being so mailed.

16. A policyholder desiring to vote by mail must indicate the name of the nominee or nominees for whom he desires to vote or strike out the name or names of those for whom he does not desire to vote upon the [statement] official ballot so provided or must otherwise suitably indicate [in writing the name of] in the blank spaces thereon the nominee or nominees for whom he desires to vote, and must sign the said [statement or other writing] official ballot in his own handwriting in the presence of a

subscribing witness, and place or cause to be placed thereon the number of at least one policy held by him. Failure to state or to correctly state such policy number shall not render a ballot void or subject the policyholder to any penalty. [and the statement when so marked and signed or such other writing when signed shall become a ballot.]

17. Such policyholder must enclose the [statement] official ballot so marked [or such other writing] in such return envelope or in a similarly inscribed envelope [upon which must be written his signature in his own handwriting and his post office address and the number of at least one policy held by him]. Such envelope containing the ballot sealed and postpaid [may] shall be mailed by the policyholder to [or may be delivered at] the home office of the company. No policyholder may vote for more than the number of directors so to be elected and the ballots upon which the intent of the policyholders does not fairly appear shall be void.

18. Any policyholder may vote by proxy executed to any person, whether designated in the certificates filed as aforesaid or otherwise. The execution of a proxy shall be attested by a subscribing witness and the proxy shall set forth the number of at least one policy held by the person giving it. A proxy shall not be valid unless executed within [two] three months prior to the election and shall be used only at such election or any adjournment thereof and may be revoked by the policyholder giving the same at any time prior to the opening of the polls upon the day of such election. In exercising such proxy the holder or holders thereof shall vote only upon the official ballot, or the duplicate thereof, furnished to such policyholder as hereinbefore provided, to which such proxy shall be attached. In so voting the proxy holder shall sign said ballot in the name of the policyholder, and shall also sign his own name as proxy. Ballots voted by proxy holders shall be mailed to the home office, or voted in person by said proxy holder, in the same manner as herein prescribed for ballots voted directly by policyholders.

19. The votes at such election shall be limited to the candidates nominated as aforesaid except that in case of [the death or incapacity of any candidate] a vacancy occurring upon any ticket so nominated the board of directors of such corporation, if the candidate was upon the administration ticket, and a ma-

majority of the nominators if the candidate was upon an independent ticket, [may] shall nominate another candidate in his place by filing a certificate of said nomination with the superintendent of insurance and a certified copy thereof at the home office of the company if such vacancy occurs more than five months prior to the day set for the election, and [if any such certificate of new nomination shall be filed more than ten weeks prior to the election] the name of the candidate so selected shall be set forth in the [statement of candidates] official ballot sent out by the company[; and if in either case no such new nomination shall be made then a majority of the persons designated to receive proxies for such ticket may at the election cast the votes under proxies held by them for any candidate whom they may select to take the place of the one who has died or become incapacitated]. If such vacancy occurs within five months prior to such election then the directors elected at such election shall have power to fill such vacancy.

20. All ballots by mail shall be received at the home office of a company holding an election by two or more persons, one-half of whom shall be appointed for that purpose by the superintendent of insurance and one-half by the directors of the company. The compensation of the custodians so appointed shall be paid by the company. Such custodians shall keep a daily record of the envelopes marked as containing ballots for directors which are received at the home office, and shall securely retain them in their joint custody in safety vaults or compartments accessible only to such custodians and not to either of them separately, under regulations prescribed by the superintendent of insurance. Prior to the closing of the polls election day said custodians shall deliver all ballots so received by them to the inspectors of election.

21. The election [shall be by ballot and] shall be held at the home office of the company [,and]. The polls shall be opened at ten o'clock in the forenoon and remain open until four o'clock in the afternoon of the day of the election, at which time they shall be closed. All votes cast at such election shall be by ballot as hereinbefore provided.

22. The [board of directors] superintendent of insurance shall appoint an adequate number of inspectors of election who [shall be qualified voters and] may employ expert accountants and assistants and may procure stationery and supplies for conducting

the election and canvassing the votes. Their compensation and necessary disbursements shall be paid [for their services] by the company. Such inspectors shall have power to determine all questions concerning the verification of the ballots, the ascertainment of the validity thereof, the qualifications of the voters and the canvass of the vote; and with respect thereto shall act under such rules and regulations as shall be prescribed by the superintendent of insurance. [All votes shall be by ballot and except as herein provided shall be signed by the policyholder in his own handwriting and shall set forth the number of at least one policy held by him. In casting a vote under a proxy the proxy holder or if three or more persons are named jointly in the proxy a majority thereof, shall place his name and address or their names and addresses on the ballot and shall indicate thereon the number of votes offered under the proxy.]

23. All envelopes marked substantially as hereinbefore prescribed received by mail at the home office of the company [marked substantially as "ballot for directors"] at any time [before] prior to the day of election or on that day before the polls are closed shall be [preserved] forthwith delivered intact without opening to the custodians appointed as hereinbefore provided and before the polls are closed shall be delivered to the inspectors of election.

24. [Any person concealing or withholding, or participating in the concealment or withholding, from the inspectors, or not being an inspector, opening or being privy to the opening of any such envelope, shall be guilty of a misdemeanor.] No person shall conceal or withhold or aid or abet any other person in the concealing or withholding from the custodians or inspectors any such envelope; nor shall any person, other than an inspector, open or aid or abet any person to open any such envelope.

25. No ballots received by mail [or delivered] at the office of the company or offered personally or by proxy after the polls are closed shall be counted. All ballots offered personally or under proxies and all ballots received by mail [or delivered] at the office of the company as aforesaid before the polls are closed shall be received by the inspectors subject to verification and ascertainment of the validity thereof and of the qualifications of the voter [; and].

26. Immediately upon the closing of the polls the inspectors shall proceed to the examination of the ballots and shall canvass

the votes lawfully cast. The canvass shall proceed from day to day and the inspectors shall certify the result to the company and to the superintendent of insurance as soon as it is completed.

27. [One qualified voter] Representatives designated by a majority of each three persons who shall have been appointed to receive proxies to be voted for tickets nominated as aforesaid may, in such number as shall be approved by the superintendent of insurance, be present during the casting, verification and [the] canvass of the votes. The compensation of such representatives shall not be a charge upon or paid from the funds of the company.

28. All ballots[,] and proxies [and envelopes] received by the inspectors of election shall immediately upon the completion of the canvass be placed in sealed packages and shall be preserved by the said inspectors for a period of four months subject to the order of any court having jurisdiction of any proceedings relating thereto.

29. The superintendent of insurance shall have power to supervise and direct the methods and procedure of all elections herein provided for and to make all further needful rules and regulations concerning the same. All bills for or on account of the custodians of ballots and inspectors of election, their employees, assistants, necessary expenses or disbursements, during the conduct of such election, and the canvass of the votes, shall be approved by the superintendent of insurance before payment by the company.

30. The said elections and the conduct thereof shall at all times be subject to the supervision and control of the courts in like manner as elections for state, county and municipal officers so far as applicable.

31. The including by any corporation of the name of any person in any list of policyholders required by this section shall not be construed as an admission by the corporation of the validity of any policy, and no such list shall be competent evidence against the corporation in any action or proceeding in which the question of the validity of any policy or of any claim under it is involved.

32. No insurance company, and no officer, agent or employee thereof shall knowingly omit the name of a policyholder and voter from the lists herein required to be filed, or shall knowingly omit to give the correct name and address of such policyholder and voter, or knowingly give a wrong address, or shall expend, ad-

vance or loan any money of the company contrary to the provisions of this section.

33. Except where such expenditure is authorized or required by this section, no money of the company shall be expended in connection with such election or in canvassing therefor, and no officer or agent of the company shall directly or indirectly make any advance or loan of such moneys to any person in connection with or for the purpose of such election or canvass.

34. No officer other than a candidate for director, and no agent or employee of the company shall within the period between the filing of nominations and the election, solicit any vote or proxy or receive any ballot or proxy in connection with any such election. This shall not prevent any person from exercising his right to otherwise participate in such election as a policyholder. The stationery or supplies of the company, or office space devoted to the conduct of its business shall not be used for furthering the interest of any ticket or any candidate thereon. No officer, agent or employee of the company shall ask, coerce or compel any other officer, agent or employee of the company to support, work for, or oppose any ticket or any candidate thereon.

35. No person, whether connected with the company or otherwise, shall issue or cause to be issued any circular or other written or printed communication either in behalf of or in opposition to any ticket or any candidate thereon containing any false statement.

§ 3. Section one hundred and three of the insurance law, as added by chapter three hundred and twenty-six of the laws of nineteen hundred and six, is hereby amended by adding thereto a new subdivision to be subdivision seventeen, and to read as follows:

(17.) A statement showing all sums of money expended in, or in any way connected with, the election of directors or trustees, with a statement when expended, by whom expended, to whom paid and for what purpose.

§ 4. This act shall take effect immediately.

The Committee on Internal Affairs respectfully reports to the House that it has approved the maps as submitted by the State Engineer and Surveyor, with the changes as agreed upon between the State Engineer and Surveyor and various other persons representing their respective counties.

A report in detail, as to said changes, is hereto annexed.

MINUTES OF HEARING BEFORE SENATE AND ASSEMBLY COMMITTEES ON INTERNAL AFFAIRS
—GOOD ROADS APPORTIONMENT MAPS SUBMITTED BY THE STATE ENGINEER AND SURVEYOR.

THE CAPITOL, ALBANY, MAY 1, 1907.

Assemblyman Apgar, Chairman.

The maps will be taken up in alphabetical order.

Albany: (No objection.)

Broome: Mr. Lyon.—I desire to be heard in relation to Broome county, because the fact of the present law prevents the building of roads unless they are approved by this legislative committee—that all roads built under the provisions of this act shall be built on routes as indicated on the map as approved by the Legislature. The idea as I understand it was to indicate on these maps the main market roads of each county which might subsequently be improved. In Broome county there are several roads that I desire to have indicated on that map as possibly worthy, at some future time, of improvement.

Assemblyman West.—(Reading and elucidating the law) explained that new roads might be approved hereafter whether indicated on the maps at present or not.

(A discussion here ensued as to the method of procedure, and a request that Mr. Lyons proceed.)

Mr. Lyons.—I simply want the Broome county map changed so as to indicate all of the main market roads of that county that, if the board of supervisors so will, can build roads under the provisions of this act.

In the town of Sanford, from the road as indicated running northwesterly, with the Volona Springs road, about three miles.

The road starting at the city limits of the city of Binghamton, following the Hollerton turnpike to Hollerton, a distance of three and one-half miles.

The road commencing at the village of Bethel on the south of the Susquehanna river, running thence easterly to connect with the Petstron road from the city of Binghamton, a distance of about three miles.

A road from Chenango Forks to Whitney Point on the north-easterly side of the Tioughnioga river, being a distance of about five miles.

A road from North Lisle running westerly on the turnpike to the Tioga county line.

A road running from East Maine southeasterly to connect with the Staley road petition, so-called.

Senator Hooker.— You have added about eighteen or twenty miles. Don't you see that if we proportionately increase these counties we are going to have a great deal more than the ten per cent. of the roads than we contemplate?

Mr. Lyons.— I decidedly do. But as you will notice by the various maps that have been approved by the State Engineer there are a good many more miles indicated on that map than can be improved by a ten per cent. of the roads in that county.

Senator Hooker.— I understand that as far as the map is concerned there is nothing there that you wish to substitute.

Mr. Lyons.— If, for instance, the mileage was increased under the reapportionment under the West bill, the main roads of the county should be indicated on the map. Therefore I want that map to indicate all the main county roads of the county of Broome.

Senator Hooker.— Was that not the intent of the original law — to indicate the market roads and then they were referred to the State Engineer to decide what portion of those roads should become a part of the State system?

Mr. Lyons.— In some counties it was done; but unfortunately we did not happen to do it in that county; and we simply want that mileage indicated on the map, and we ask that they shall be indicated on the map.

Assemblyman West.— Let me say at this point, that in case the so-called West bill becomes a law providing that one-tenth of the total mileage in each county shall be improved at the cost of the State, there is nothing in that proposition, as I understand it, that would bar the improvement of other roads in that county under the provisions of the existing laws, wherein the county pays thirty-five per cent. and the town fifteen and the State fifty. Nor do I understand that roads that have been improved heretofore are now under consideration at all. Now, that being the fact, I do not see that having indicated upon these maps more than ten per cent. has anything whatever to do with that proposition, because it is only ten per cent. of the total mileage that is to be so improved. If more roads are indicated they would have to be improved under existing law, as the counties have been doing heretofore.

Chairman Apgar.— Mr. State Engineer, have you any suggestions to make?

Mr. Skene.— I do not think you can put on any more mileage than the money that has been appropriated under the law, the fifty millions of dollars was appropriated for a certain number of miles. This map relates to that law. You cannot put on this map any more mileage than is to be taken care of by the fifty million dollars. This map as constructed now is considered an equitable mileage distribution of the roads throughout the State.

Chairman Apgar.— Anything more about Broome county?

Cattaraugus: (No objection.)

Cayuga: (No objection.)

Chautauqua: (No objection; see end of hearing.)

Chemung: (No objection.)

Chenango: (No objection.)

Clinton: (No objection.)

Columbia: (No objection.)

Cortland: (No objection.)

Mr. ———— I am here from Cortland county; I have no authority for asking anything for Cortland county in regard to any change or addition to the map.

Chairman Apgar.— What has been the action of your board, favorable?

Mr. ———— Yes, sir.

Delaware: (No objection.)

Dutchess: (No objection.)

Erie: Mr. ———— I am on the board of supervisors up there. Yesterday we had an argument as to just what the West' bill would do.

Chairman Apgar.— We want to take up these maps now.

Essex: Essex county is agreed on.

Franklin: Mr. ———— We are asking for fourteen miles of road leading from Hogenburg to Moira, urged by the people of this county and agreed upon by Senator O'Neil.

Chairman Apgar.— What do you say to that, Mr. State Engineer?

Mr. Skene.— I have no objection.

Chairman Apgar.— Are there any other roads in that part you would like to take out?

Mr. ———— We are not saying about the southeastern part of the county. I would not care to offer my judgment. I am here

to ask that this be added, and I will state that my senator unites with me in making this request. There is urgent demand for it and it is very important.

Fulton: (No objection.)

Genesee: (No objection.)

Greene: (No objection.)

Hamilton: (No objection.)

Herkimer: (No objection.)

Jefferson: Mr. Butterfield.— There are seventy-four miles of these roads all told in the county of Jefferson, and there is something like two thousand miles of roads. I do not represent the whole county. I came down in the interest of our town mainly, because we thought we had been neglected. We have not had any improved roads, and we have petitioned for one from Adams town line, running southeasterly to the village of Rodman, four years ago last December. It has been surveyed, but no further action has been taken. We would like to have that road put down as an improved road — worthy of improvement. And, also, we petitioned last fall, through our board of supervisors, for a road from Rodman village to Tremane's Corners, a distance of three miles. The road I have already mentioned is two and twenty-three hundredths miles. There is a space of a mile and twenty-seven hundredths to Adams Center, but that it a good road — is really a very comfortable road.

On the east part of the town, from the town line between Watertown and Rodman, there is another piece of road that we would like to have improved.

That is all the road that I represent. We have been neglected up there, and have no roads whatever. The other towns of the county have been pretty well helped.

Assemblyman West.— Are you supervisor of the town?

Mr. Butterfield.— No, sir.

Assemblyman West.— Why did not the supervisors have that road put on?

Mr. Butterfield.— It was petitioned for four years ago, and again last fall, and the then deputy State Engineer assured us that it would be made and it would be commenced immediately after that; but it has not been done. The State Engineer assured me to-day that if we would get on the map, he would take it up immediately and commence operations. We have no improved roads. We have seventy-four miles and only want in the aggregate seven or eight miles. We are not asking for over a tenth.

Chairman Apgar.—Do you know anything about the town of Lyons, in Jefferson county?

Mr. Butterfield.—No, sir; not about the roads.

Chairman Apgar.—We will consider your proposition.

Mr. Butterfield.—Do you consider I am greedy in asking an excess amount?

Chairman Apgar.—Oh, I guess not.

Mr. Butterfield.—I do not mean to be selfish. We only want our equitable share; that is all. That ain't wrong, is it?

Chairman Apgar.—No, sir.

Lewis: Assemblyman Boshart.—When the representative of our board of supervisors came here in approval of the map, they took off a very important road from the village of Copenhagen to the village of Denmark. The supervisor of the town of Pinckney transferred that road to the road from Barnes Corners on the road to Watertown, which is a road that runs by his house. The chairman of our board of supervisors lives at Copenhagen. What I simply ask is that that road be restored to the town of Denmark that runs from the village of Copenhagen to the village of Deer River. It will make about four miles added to the county of Lewis. We simply want this piece restored to where it was originally.

Mr. Skene.—I only wonder, if your request is granted, what kind of a box we will be in?

Agreed by committee that the request be granted to restore to the town of Denmark, Lewis county, that piece of road which connects the village of Copenhagen and the village of Denmark in the town of Denmark.

Livingston: Mr. Skene.—The Livingston county map made in the Engineer's office, at the request of the Speaker, is agreed upon between our office, the Speaker and the board of supervisors.

Madison: (No objection.)

Montgomery: (No objection.)

Nassau: Mr. Bennett.—I appear at the request of the board of supervisors of the town of Oyster Bay to ask for an addition of about two and one-fifth miles, running on the highway from the Mile Hill road on the south to the sound on the north. That is a little over two miles and a thousand feet over.

Mr. Skene.—There will not, I think, be any objection to that.

Monroe: The State Engineer and the board of supervisors are in agreement.

Niagara: Assemblyman C. F. Foley.—The road known as the Shawnee road was erased from the map and the Hinman road was put in its place. What I desire to have done is to have the road known as the West Avenue road from the city limits of Lockport, to its junction with Upper Stone or Mountain road, placed on the map, which is about one mile from the end of West avenue to its junction with Upper Stone or Mountain road, which is now indicated as an improved road.

State Engineer Skene agreed to this.

Oneida: Senator Ackroyd.—There are two roads which they wish added to this map. One, from Whitesboro to Rome, a distance of about eight miles—a road that is traveled a great deal. Another one from Deerfield Corner through the towns of Deerfield, Marcy and Trenton, a distance of about eight miles.

According to the suggestion of your State Engineer, that he does not believe in adding to these counties, we would suggest that certain cross roads that are not traveled much be struck out. Strike out cross road from Madison county line to Herkimer county line through Sangerfield and Bridgewater, ten miles more or less; and from Knoxboro to Oriskany Falls, two miles; and from Rome to Clark's Mills, eight miles. These will make about the same number of miles that we desire to have added.

Assemblyman West.—How many miles have you in your county?

Senator Ackroyd.—I do not know; we have the full number. About two hundred and thirty-six miles.

Assemblyman West.—You have three hundred and forty-eight on the map?

Senator Ackroyd.—We have three hundred and forty-eight marked on the map. We are probably entitled to two hundred and forty. We do not ask that any more miles be added, but that some of them be changed.

Onondaga: Assemblyman Schoeneck.—We want in the town of Skaneateles about three miles on what is known as the Benson road or Benson street, running from there connects with a road now under construction from Moravia to the city of Auburn. We are now building the road on the lake shore, the West Lake Skaneateles road,—they are building both sides of this lake at the present time. This is the Benson street road and connects at a point there with the road from Moravia to Auburn.

Chairman Apgar.—Has the board of supervisors considered this at all?

Assemblyman Schoeneck.— Yes, it has been presented to them, but it was too late to do anything.

Chairman Apgar.— Can you say whether they would approve or disapprove?

Assemblyman Schoeneck.— Yes, the supervisors are in favor of it. The point is simply this, if you cannot give us this, there will be a delay, and we would like to have it because it is an important road.

Chairman Apgar.— What do you think about that, Mr. Skene?

Mr. Skene.— I think we ought to take that up.

Chairman Apgar.— The State Engineer thinks it is a fair proposition, if it is an important road.

Assemblyman Schoeneck.— It is an important road.

Chairman Apgar.— You agree to that, Mr. Skene?

Mr. Skene.— Yes.

Ontario: (No objection.)

Orange: (No objection.)

Oswego: Oswego county is agreed upon by the State Engineer and the board of supervisors.

Otsego: (No objection.)

Putnam: Putnam county map agreed upon between the supervisors, Assemblyman Yale and the State Engineer, Mr. Skene.

Rensselaer: Mr. Lansing.— This map is, according to the understanding of the board of supervisors, perfectly satisfactory.

Rockland: There is no change desired in Rockland and it is agreed upon.

Saint Lawrence: (No objection.)

Saratoga: Mr. George R. Saulsbury.— I represent the supervisors from Saratoga county. Last fall the board of supervisors unanimously approved of a certain road from Ballston in the direction of Amsterdam. Afterward they again unanimously agreed upon that road. The State Engineer thereupon has approved and recommended that road. My purpose here to-day is that I have understood that a delegation from Charlton came before your committee a week or two ago in opposition to the present road. I desire to state that the supervisor of the town representing as he believes two-thirds of the board believes that that is the proper road. The county by its board of supervisors have unanimously twice said that that road should be the road. The State Engineer has recommended that road. It passes through one of the most fertile portions of that town. It is the road that is the

natural outlet through that portion of the county to Ballston, and thence to Saratoga, and thence to Amsterdam. It is the direct road. Amsterdam has already her portion of the road. At least two miles is under process of construction. What we desire is simply this: Not to make any change. We desire that the action of the State Engineer and the action of the county shall be approved by your committee.

Chairman Apgar.— Your board are practically a unit?

Mr. Saulsbury.— In the first instance it was unanimous. The second time nineteen men signed, and one did not.

Chairman Apgar.— What is the name of that road?

Mr. Saulsbury.— The North road. It is the Power road, the road that the Hudson River Electric Power concern has established its line on.

Assemblyman Nevins.— Why are you asking for this road in preference to the lower road?

Mr. Saulsbury.— Because it is shorter.

Mr. Nevins.— Does it take in the greatest number of inhabitants?

Mr. Saulsbury.— Yes, sir.

Schenectady: (No objection.)

Schoharie: The board of supervisors and the State Engineer have agreed upon this map.

Schuyler: Mr. ——— We want a road from Mechlinberg established to intercept the Ithaca road, a distance of about one mile, where Tompkins county joins they have got a road, and this does not quite meet it. We want just that connecting link. They have a road from Ithaca to our county line, and when it is built we ought to have that little mile to connect it, making a complete system.

Seneca: Seneca county map is all agreed upon.

Steuben: Senator Tully.— In the town of Wayland to a place on the Livingston county line, we want a road;— from the village of Wayland to unite with the road to the town of Dansville, which is at the northwestern corner of the county, one and one-half mile in length. With that exception, Steuben county is satisfactory.

Suffolk: Assemblyman Hubbs.— There were some changes suggested by the supervisors, but I do not remember now just what they were.

Sullivan: (No objection.)

Tioga: (No objection.)

Tompkins: Mr. ——— This is a change in the road in the town of Caroline from Ithaca to Meadowfield Falls, by the request of the supervisors and the State Engineer.

Ulster: (No objection.)

Warren: (No objection.)

Washington: (No objection.)

Wayne: Assemblyman Hamn.— We want a road from Alden to Sodus Point, three and one-half miles.

Chairman Apgar.— That is agreed upon.

Westchester: A road from Bedford east to the Connecticut line.

Wyoming: Assemblyman Nevins.— I want the road from Perrysburg west through the town of Bennington to the Erie county line stricken out; also, the road from the east of Wyoming on the west side of the creek to near the village of Warsaw stricken out and built on the west side of the creek and run from the corporation line of the village of Castile north to the village of Perry.

A road from near the village of Warsaw in a southeasterly direction to a point near the village of Castile.

Also, add a road leading from the point designated by the State Engineer south to the village of Bliss.

Also, out from the corporation limits of Perry west and the West Perry road to West Perry, about a mile.

Also, out from the village of Attica in a southeasterly direction to the main road already designated by the State Engineer leading to the village of Warsaw.

Chairman Apgar.— This is agreed to between the board of supervisors and the State Engineer.

Yates: (No objection.)

Chatauqua: Mr. ——— We want a road running south along the Cattaraugus county line — the west line of Cattaraugus county, running westerly through the town of Villenova to the east line of the town of Arkwright, running through Balcom and Hamlet, about six miles.

Chairman Apgar.— That is agreed to by the State Engineer.

Jefferson: Mr. ——— We want a road from Honeyville to Redmond, about two miles.

Chairman Apgar.— That is agreed to.

MINUTES OF ADJOURNED HEARING BEFORE SENATE AND ASSEMBLY COMMITTEES ON INTERNAL AFFAIRS — GOOD ROADS APPORTIONMENT MAPS, SUBMITTED BY THE STATE ENGINEER AND SURVEYOR.

THE CAPITOL, ALBANY, MAY 7, 1907.

Assemblyman Apgar, Chairman.

Delaware.— Want a road from Margaretville to Grand Gorge toward Stamford to county line, about sixteen or eighteen miles, three miles of which are already built.

Frank L. Getman, Deputy State Engineer and Surveyor.— The change is agreed to; that is, this addition is agreed to.

Dutchess.— Want a road starting from Pine Plains to Carmen's Corners, through Shekomko to Delevene Hill, where it meets the Delevene turnpike, which is petitioned all the way through, a little more than ten miles.

Mr. Getman.— That is agreeable to us.

Oneida.— Want a road from Deerfield Corners to the Forest House, and Forest House to the village of Fulton; eleven miles.

Mr. Getman.— That is agreed upon.

Onondaga.— At the former meeting of this committee Mr. Shoeneck and myself asked for the Benson street road, so-called. Since then I have heard from the supervisors and the supervisors ask that it be left off the map, for the reason that Onondaga has its full quota. I am confident that Mr. Shoeneck will agree, when I have an opportunity to explain the matter to him, and I know that a telegram was sent to him to-day by the supervisors advising him of the action of the board.

Chairman Apgar.— With the understanding that Mr. Schoeneck approves, it will be taken off.

Mr. Getman.— That is all right.

Tioga.— Want a road from Cander to the Tompkins county line, with the understanding that it shall be at the discretion of the supervisors.

Mr. Getman.— That is satisfactory.

Tompkins.— Want a road to connect with the road described in Tioga county, which is the direct road from Ithaca, running from the Tioga county line through the town of South Danby — the Owego turnpike.

Mr. Getman.— That seems to be satisfactory.

(No. 46.)

AN ACT making appropriations for the support of government.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The several amounts named in this act are hereby appropriated and authorized to be paid from the several funds indicated, to the respective public officers, and for the several purposes specified, for the fiscal year beginning on the first day of October, in the year nineteen hundred seven, namely:

FROM THE GENERAL FUND.**EXECUTIVE DEPARTMENT.**

For the salaries:

of the governor, ten thousand dollars (\$10,000);

lieutenant-governor, five thousand dollars (\$5,000);

secretary to the governor, four thousand dollars (\$4,000);

counsel to the governor, five thousand dollars (\$5,000):

and for his actual and necessary traveling expenses in the performance of his official duties, five hundred dollars (\$500), or so much thereof as may be necessary.

military secretary, two thousand dollars (\$2,000);

keeper and recorder of legislative bills, to which position the military secretary may be assigned, fifteen hundred dollars (\$1,500);

pardon clerk, three thousand dollars (\$3,000);

executive stenographer, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

seventh grade, one employee thirteen hundred dollars (\$1,300);

sixth grade, three employees eleven hundred dollars each, (\$3,300);

and for temporary and other services, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For furniture, books, binding, blanks, printing, messages and other necessary incidental office expenses, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, five hundred dollars (\$500), or so much thereof as may be necessary.

For incidental expenses of the executive mansion, rent of stable and equipage three thousand dollars (\$3,000) to be paid by the comptroller on the certificate of the governor.

NOTARIAL BUREAU.

For the salaries:

of the appointment clerk, twenty-five hundred dollars (\$2,500);

of the employees according to grade:

ninth grade, engrossing clerk, two thousand dollars (\$2,000);

seventh grade, two employees, fifteen hundred dollars each (\$3,000);

and for temporary and other services and expenses, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

JUDICIARY.

COURT OF APPEALS.

For the salaries:

of the judges of the court of appeals, seventy thousand five hundred dollars (\$70,500); for their necessary expenses, as provided by chapter seven hundred eighteen, laws of eighteen hundred seventy-one, fourteen thousand dollars (\$14,000); for their additional expense allowance as provided by chapter six hundred six, laws of eighteen hundred ninety-eight, eleven thousand nine hundred dollars (\$11,900).

of the justices of the supreme court serving as associate judges of the court of appeals, thirty thousand dollars (\$30,000); for their necessary expenses, as provided by chapter seven hundred eighteen, laws of eighteen hundred seventy-one, six thousand dollars (\$6,000); for their additional expense allowance as provided by chapter six hundred six, laws of eighteen hundred ninety-eight, five thousand one hundred dollars (\$5,100);

of clerks of judges of the court of appeals, appointed pursuant to section two hundred two of the code of civil procedure, and for

expenses of offices for judges of the court of appeals incurred pursuant to section two hundred three of said code, six thousand dollars (\$6,000), or so much thereof as may be necessary;

of a confidential clerk, appointed by the chief judge of the court of appeals, twenty-five hundred dollars (\$2,500).

of clerks appointed pursuant to section two hundred two of the code of civil procedure, by the justices of the supreme court assigned to serve as judges of the court of appeals, three thousand six hundred dollars (\$3,600).

of the crier, one thousand five hundred dollars (\$1,500);

consultation clerk, three thousand dollars (\$3,000);

stenographer and librarian, two thousand two hundred dollars (\$2,200);

of three attendants, one thousand five hundred dollars each (\$4,500);

one attendant, seven hundred fifty dollars (\$750);

law clerk, two thousand dollars (\$2,000);

attendant designated as assistant law clerk, one thousand seven hundred and fifty dollars (\$1,750);

messenger, one thousand dollars (\$1,000);

CLERK OF THE COURT OF APPEALS.

For the salaries:

of the clerk, five thousand dollars (\$5,000);

deputy clerk, three thousand dollars (\$3,000);

remittitur clerk, two thousand five hundred dollars (\$2,500);

certificate clerk, two thousand one hundred dollars (\$2,100);

chancery clerk, two thousand one hundred dollars (\$2,100);

stenographer to the clerk, one thousand five hundred dollars (\$1,500);

messenger to the clerk, six hundred dollars (\$600).

For furniture, books, binding, blanks, printing and other necessary incidental office expenses, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, eight hundred fifty dollars (\$850), or so much thereof as may be necessary.

LIBRARIES.

For books, binding and supplies for the fourteen judicial district libraries named in chapter four hundred, laws of eighteen hundred eighty, chapter four hundred forty-four, laws of eighteen hundred eighty-eight, chapter two hundred thirty-one, laws of eighteen hundred ninety-five, chapter thirty-two, laws of nineteen hundred two, and chapter two hundred fifty-four, laws of nineteen hundred four, six hundred dollars each (\$8,400), or so much thereof as may be necessary;

for the library of the judges of the court of appeals at Albany, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary;

for books, binding and supplies for the court of appeals library at Syracuse, one thousand seven hundred and fifty dollars (\$1,750), to be paid upon vouchers approved by the presiding justice of the appellate division of the fourth judicial department;

for books, binding and supplies for the library of the appellate division of the supreme court in the first judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court;

for the library of the appellate division of the supreme court in the second judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court;

for the library of the appellate division of the supreme court in the third judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court;

for the library of the appellate division of the supreme court in the fourth judicial department, two thousand dollars (\$2,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the presiding justice of said court, and for the salary of the librarian, three thousand dollars (\$3,000), which latter amount is to be refunded pursuant to the provisions of chapter two hundred fifty-eight, laws of nineteen hundred;

for the library of the trial terms of the supreme court in the first judicial department, one thousand dollars (\$1,000), or so much thereof as may be necessary;

for the eighth judicial district library at Buffalo, one thousand dollars (\$1,000), or so much thereof as may be necessary.

SUPREME COURT.

For the salaries of the justices of the supreme court, five hundred forty thousand dollars (\$540,000); and for the expenses of said justices, other than those in the first judicial district, as provided by chapter five hundred forty-one, laws of eighteen hundred seventy-two, seventy-two thousand dollars (\$72,000);

for compensation of justices of the supreme court designated to the appellate division of the second department from any district other than the second judicial district, to be refunded to the treasury, pursuant to chapter three hundred nine, laws of eighteen hundred ninety-eight, and chapter five hundred ninety-seven, laws of nineteen hundred one, forty-one thousand two hundred dollars (\$41,200);

for the compensation of the deputy clerk and attendants of the appellate division of the supreme court in the second judicial department, pursuant to chapter ninety-nine, laws of eighteen hundred ninety-six, as amended by chapter two hundred twenty-three, laws of eighteen hundred ninety-seven, and chapter four hundred fifty, laws of nineteen hundred, twelve thousand five hundred dollars (\$12,500) to be refunded to the treasury as provided by said laws;

for the compensation of confidential attendants of the appellate division of the supreme court, in the second judicial department, pursuant to chapter five hundred ninety-seven, laws of nineteen hundred two, as amended by chapter three hundred eighty-four, laws of nineteen hundred five, three thousand six hundred dollars (\$3,600) to be refunded to the treasury as provided by said laws;

for the necessary expenses of the several justices assigned to the appellate division of the supreme court, pursuant to chapter three hundred ninety, laws of eighteen hundred ninety-six, and chapter four hundred sixty-eight, laws of nineteen hundred one, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary;

for the justices of the supreme court residing in the territory formerly composing the second judicial district, not residing in the county of Kings, namely, those residing in the present second and ninth districts outside of said county, for additional compensation, pursuant to chapter seven hundred sixty-five, laws of eighteen hundred sixty-eight, as amended by chapter one hundred twenty-six, laws of eighteen hundred eighty-three, and chapter one hun-

dred thirty-one, laws of eighteen hundred ninety-eight, ninety-two thousand seven hundred dollars (\$92,700); and for the stenographers residing in the counties composing the present second and ninth judicial districts and appointed under said first named act as amended by chapter one hundred fourteen, laws of eighteen hundred ninety-four, for compensation, twenty-two thousand dollars (\$22,000), to be paid only from moneys which shall have been or shall be paid into the treasury for taxes levied for the purposes of said acts and in pursuance thereof;

for trial justices, who attend a term or part of the supreme court, except in the counties of New York and Kings, outside the county in which they reside, for actual and necessary traveling and other expenses, incurred pursuant to chapter four hundred thirty-one, laws of nineteen hundred, ten thousand dollars (\$10,000), or so much thereof as may be necessary;

for the stenographers of the supreme court, in the third, fourth, fifth, sixth, seventh and eighth judicial districts, for compensation, pursuant to sections two hundred fifty-eight and two hundred fifty-nine of the code of civil procedure, fifty-five thousand dollars (\$55,000), to be refunded to the treasury pursuant to chapter four hundred twenty-six, laws of eighteen hundred ninety;

for additional stenographers in the third and fourth judicial districts, for compensation and for actual and necessary expenses, eight thousand dollars (\$8,000), to be refunded to the treasury pursuant to chapter two hundred fifty-eight, laws of eighteen hundred ninety-three;

for compensation of confidential clerks to the justices of the supreme court, other than justices of the appellate division, residing in the second judicial district, not including the county of Kings, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter eight hundred ninety-two, laws of eighteen hundred ninety-six, and chapter seven hundred forty-seven, laws of nineteen hundred four;

for compensation of confidential clerks to resident trial justices of the supreme court in the fifth judicial district, six thousand dollars (\$6,000), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter eight hundred ninety-three, laws of eighteen hundred ninety-six, and chapter one hundred forty-five, laws of eighteen hundred ninety-seven;

for compensation of confidential clerks to resident trial justices of the supreme court in the sixth and seventh judicial dis-

tricts, to be refunded to the treasury, pursuant to chapter three hundred twenty-six, laws of eighteen hundred ninety-eight, ten thousand eight hundred dollars (\$10,800), or so much thereof as may be necessary;

for compensation of confidential clerks to resident trial justices of the supreme court in the eighth judicial district, to be refunded to the treasury, pursuant to chapter one hundred six, laws of eighteen hundred ninety-nine, eight thousand four hundred dollars (\$8,400), or so much thereof as may be necessary;

for compensation of confidential clerks to resident trial justices of the supreme court in the ninth judicial district, eight thousand dollars (\$8,000), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter six hundred ninety-six, laws of nineteen hundred six;

for compensation of confidential clerks to the justices of the supreme court designated to the appellate division of the second department, seventeen thousand five hundred dollars (\$17,500), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter two hundred fifty-one, laws of nineteen hundred;

for the compensation of case and consultation clerk of the appellate division of the supreme court in the second judicial department, pursuant to chapter eighty-eight, laws of nineteen hundred seven, two thousand four hundred dollars (\$2,400), to be refunded to the treasury as provided by said law;

for the salaries of the consultation clerk of the appellate division of the fourth department, two thousand one hundred dollars (\$2,100), and of the assistant to the clerk of said appellate division, one thousand dollars (\$1,000), to be refunded to the treasury as provided by section two hundred twenty-one of the code of civil procedure;

for expenses of the appellate divisions of the supreme court, for compensation of clerks, criers, attendants, and of stenographers and clerks to the justices and for their actual and necessary expenses, thirty-five thousand dollars (\$35,000), or so much thereof as may be necessary.

STATE REPORTER.

For the salaries:

of the state reporter, five thousand dollars (\$5,000);

deputy state reporter, three thousand seven hundred dollars (\$3,700);

managing clerk, two thousand one hundred dollars (\$2,100);

law clerk, one thousand eight hundred dollars (\$1,800).

For rent, furniture, books, stationery, messages and other necessary incidental office expenses, eleven hundred and twenty-five dollars (\$1,125).

SUPREME COURT REPORTER.

For the salaries:

of the supreme court reporter pursuant to chapter one hundred sixty-four, laws of nineteen hundred five, five thousand dollars (\$5,000);

deputy supreme court reporter, two thousand five hundred dollars (\$2,500);

secretary, two thousand dollars (\$2,000);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand dollars (\$1,000);

fifth grade, one employee, nine hundred dollars (\$900);

fourth grade, one employee, seven hundred and twenty dollars (\$720);

second grade, one employee, four hundred and fifty dollars (\$450);

For rent, furniture, books, stationery, messages and other necessary incidental office expenses, two thousand dollars (\$2,000).

MISCELLANEOUS REPORTER.

For the salaries:

of the miscellaneous reporter, four thousand five hundred dollars (\$4,500);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

one employee, one thousand dollars (\$1,000).

For rent, furniture, books, stationery, messages and other necessary incidental office expenses, one thousand one hundred fifty dollars (\$1,150).

COURT OF CLAIMS.

For the salaries:

of the judges of the court of claims, twenty-four thousand dollars (\$24,000);

of the clerk, four thousand dollars (\$4,000);

deputy clerk, two thousand five hundred dollars (\$2,500);

court stenographer, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

sixth grade, marshal, including his services as messenger, one thousand two hundred dollars (\$1,200);

fifth grade, one employee, nine hundred dollars (\$900);

fourth grade, one employee, seven hundred twenty dollars (\$720);

third grade, one employee, six hundred dollars (\$600).

For the actual and necessary traveling expenses of the clerk, deputy clerk, stenographer and marshal in the performance of their official duties elsewhere than in Albany, and for furniture, books, printing, stationery and other necessary incidental office expenses, two thousand six hundred dollars (\$2,600), or so much thereof as may be necessary.

LEGISLATURE.

For the compensation and mileage of members and officers of the legislature, five hundred thousand dollars (\$500,000), or so much thereof as may be necessary;

for advances by the comptroller to the clerks of the senate and assembly for contingent expenses, including books, blanks, stationery, printing and other legislative supplies, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary;

for postage, expenses of committees, compensation of witnesses, legislative manual, clerk's manual, indexing the bills, journals and documents of the senate and assembly, and other contingent expenses of the legislature, thirty thousand dollars (\$30,000), or so much thereof as may be necessary;

for compensation and necessary incidental office expenses during the legislative session, of persons appointed under section

twenty-three of the legislative law to draft, examine and revise bills, and furnish session indices and digests, eight thousand seven hundred dollars (\$8,700), or so much thereof as may be necessary, to be paid upon the certificate of the temporary president of the senate and the speaker of the assembly.

OFFICE OF THE SECRETARY OF STATE.

For the salaries:

of the secretary of state, five thousand dollars (\$5,000);
 deputy secretary of state, four thousand dollars (\$4,000);
 chief clerk, three thousand dollars (\$3,000);
 examiner of corporations, two thousand seven hundred dollars (\$2,700);

land clerk, two thousand seven hundred dollars (\$2,700);

of the employees according to grade:

tenth grade, one employee, two thousand two hundred dollars (\$2,200);

ninth grade, two employees, two thousand dollars each (\$4,000);

seventh grade, four employees, one thousand five hundred dollars each (\$6,000);

sixth grade, four employees, one thousand two hundred dollars each (\$4,800);

four employees, one thousand dollars each (\$4,000);

fifth grade, twelve employees, nine hundred dollars each (\$10,800);

third grade, one employee, six hundred dollars (\$600).

For the purpose of complying with the provisions of subdivision six of section thirty-four of the election law, and of section ten of chapter six hundred eighty-nine, laws of nineteen hundred five, nine thousand five hundred eighty-six dollars (\$9,586), or so much thereof as may be necessary.

For the purpose of complying with the provisions of section nineteen, and subdivision one of section thirty-six of the election law, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the secretary of state and his deputy in the performance of their official duties, five hundred dollars (\$500) or so much thereof as may be necessary.

For furniture, books, binding, blanks, messages and other necessary incidental office expenses, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, session laws, election laws and blanks, legislative documents, and other matter sent by express or freight, including boxes or covering for same, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary.

OFFICE OF THE COMPTROLLER.

For the salaries:

- of the comptroller, six thousand dollars (\$6,000);
- deputy comptroller, five thousand dollars (\$5,000);
- second deputy comptroller, four thousand five hundred dollars (\$4,500);
- private secretary to the comptroller, two thousand seven hundred dollars (\$2,700).

FINANCE BUREAU.

assistant warrant clerk, three thousand dollars (\$3,000).

of the employees according to grade:

- tenth grade, one employee, two thousand three hundred dollars (\$2,300);
- ninth grade, two employees, two thousand dollars each (\$4,000);
- eighth grade, one employee, one thousand six hundred dollars (\$1,600);
- seventh grade, three employees, one thousand five hundred dollars each (\$4,500);
- sixth grade, two employees, one thousand two hundred dollars each (\$2,400);
- two employees, one thousand dollars each (\$2,000).

LAND BUREAU.

chief clerk, three thousand dollars (\$3,000);

of the employees according to grade:

- ninth grade, one employee, two thousand dollars (\$2,000);

- eighth grade,** two employees, one thousand eight hundred dollars each (\$3,600);
 one employee, one thousand seven hundred dollars (\$1,700);
 one employee, one thousand six hundred dollars (\$1,600);
- seventh grade,** six employees, one thousand five hundred dollars each (\$9,000);
- sixth grade,** two employees, one at one thousand dollars, and one at one thousand two hundred dollars (\$2,200).

For protecting and perfecting the state's title to lands, five hundred dollars (\$500), or so much thereof as may be necessary.

TRANSFER TAX BUREAU.

- chief clerk,** three thousand dollars (\$3,000);
 of the employees according to grade:
- tenth grade,** one employee, two thousand four hundred dollars (\$2,400);
- ninth grade,** one employee, two thousand one hundred dollars (\$2,100);
- seventh grade,** four employees, one thousand five hundred dollars each (\$6,000);
 one employee, one thousand four hundred dollars (\$1,400);
 one employee, one thousand three hundred dollars (\$1,300);
- sixth grade,** three employees, one thousand two hundred dollars each, (\$3,600);
- fifth grade,** four employees, nine hundred dollars each (\$3,600).

CORPORATION TAX BUREAU.

- chief clerk,** three thousand five hundred dollars (\$3,500);
 of the employees according to grade:
- eighth grade,** one employee, one thousand eight hundred dollars (\$1,800);
- seventh grade,** three employees, one thousand five hundred dollars each (\$4,500);
 one employee, one thousand four hundred dollars (\$1,400);

- sixth grade, three employees, one thousand two hundred dollars each (\$3,600);
 fifth grade, one employee, nine hundred dollars (\$900).

NEW YORK CITY OFFICE.

- commissioner, three thousand dollars (\$3,000);
 of the employees, according to grade:
 seventh grade, one employee, one thousand five hundred dollars (\$1,500);
 third grade, one employee, six hundred dollars (\$600).

MORTGAGE TAX, MUNICIPAL ACCOUNTS, AND COURT AND TRUST FUND EXAMINATIONS.

For the salary of the chief accountant, two thousand five hundred dollars (\$2,500);

for examination of the accounts of the several counties, cities of the second and third classes and incorporated villages of the state, pursuant to chapter seven hundred five, laws of nineteen hundred five, as amended by chapter two hundred fifteen, laws of nineteen hundred seven:

for ten examiners, for compensation, twenty-four thousand dollars (\$24,000);

for the actual and necessary traveling expenses of examiners in the performance of their official duties, nine thousand dollars (\$9,000);

for stenographic services, printing, and necessary incidental office expenses, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For the services of examiners in the examination of the accounts of the several county treasurers of the state, as required by chapter six hundred fifty-one, laws of eighteen hundred ninety-two, twelve thousand dollars (\$12,000); for the actual and necessary traveling expenses of examiners, in the performance of their official duties, three thousand dollars (\$3,000), or so much thereof as may be necessary.

STOCK TRANSFER TAX BUREAU.

Chief clerk, two thousand five hundred dollars (\$2,500);
 stenographer, nine hundred dollars (\$900).

For services of examiners, nine thousand five hundred dollars (\$9,500), and for their actual and necessary traveling expenses in the performance of their official duties, for dies, plates and print-

ing necessary for the manufacture of stamps and for stationery, books, blanks and other necessary incidental expenses, ten thousand five hundred dollars (\$10,500), or so much thereof as may be necessary.

MISCELLANEOUS.

For the comptroller, one thousand dollars (\$1,000); for the deputy comptroller, five hundred dollars (\$500); and for the second deputy comptroller, two hundred fifty dollars (\$250) or so much thereof as may be necessary for their actual and necessary traveling expenses while in the performance of their official duties.

For messenger and other service:

fifth grade, two employees, nine hundred dollars each (\$1,800);

second grade, one employee, three hundred sixty-five dollars (\$365);

for temporary clerical service, two thousand dollars (\$2,000).

For salary and expenses of examiner appointed by the governor, pursuant to chapter four hundred fourteen, laws of eighteen hundred ninety-nine, to examine the books of the running associations, three thousand dollars (\$3,000), and for salaries and expenses of two examiners to examine the books of the trotting associations of the state, four thousand dollars (\$4,000), or so much thereof as may be necessary; the amounts herein appropriated to be paid from the funds collected from said associations.

For furniture, books, binding, blanks, printing, messages and other necessary incidental office expenses including rent of New York city office, eleven thousand nine hundred dollars (\$11,900), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, four thousand dollars (\$4,000), or so much thereof as may be necessary.

BUREAU OF CANAL AFFAIRS.

Payable from Canal Fund.

chief clerk, three thousand dollars (\$3,000);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

one employee, one thousand seven hundred dollars (\$1,700);

sixth grade, one employee, one thousand dollars (\$1,000).

For messenger service, two hundred eighty dollars (\$280), or so much thereof as may be necessary; for night watchman, three hundred sixty-five dollars (\$365); for the Bank of Manhattan Company, New York, for keeping transfer office and for stationery for same, one thousand four hundred dollars (\$1,400).

For salary of transfer agent, seven hundred fifty dollars (\$750).

For printing, advertising and other necessary incidental office expenses of the bureau, two thousand dollars (\$2,000), or so much thereof as may be necessary.

BUREAU OF HIGHWAYS.

Payable from the Highway Fund.

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

fifth grade, one employee, nine hundred dollars (\$900).

STATIONERY.

For stationery for the governor, secretary of state, comptroller, treasurer, attorney-general, state engineer and surveyor, commissioner of education, adjutant-general, clerk of the court of appeals, state board of charities, state department of health, civil service commission, superintendent of public buildings, fiscal supervisor of state charities, and department of labor, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

OFFICE OF THE TREASURER.

For the salaries:

of the treasurer, five thousand dollars (\$5,000);

deputy treasurer, four thousand dollars (\$4,000);

accountant and transfer clerk, two thousand four hundred dollars (\$2,400);

cashier, two thousand seven hundred dollars (\$2,700).

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

two employees, one thousand four hundred dollars each (\$2,800);

sixth grade, one employee, one thousand dollars (\$1,000);

fourth grade, two employees, seven hundred twenty dollars each (\$1,440).

For the actual and necessary traveling expenses of the state treasurer and his deputy in the performance of their official duties, five hundred dollars (\$500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, six hundred dollars (\$600), or so much thereof as may be necessary.

For furniture, books, binding, blanks, printing and other necessary incidental office expenses of the treasurer, two thousand dollars (\$2,000), or so much thereof as may be necessary.

OFFICE OF THE ATTORNEY-GENERAL

For the salaries:

of the attorney-general, five thousand dollars (\$5,000);

first and second deputies, four thousand dollars each (\$8,000);

four deputies, four thousand dollars each, sixteen thousand dollars (\$16,000);

one deputy, three thousand dollars (\$3,000);

one assistant to the deputy, three thousand dollars (\$3,000);

one assistant deputy, two thousand four hundred dollars (\$2,400);

two deputies, two thousand five hundred dollars each (\$5,000);

land and tax clerk, two thousand five hundred dollars (\$2,500);

first confidential clerk, one thousand five hundred dollars (\$1,500);

private secretary, one thousand five hundred dollars (\$1,500);

confidential messenger and custodian of books, papers and property, one thousand two hundred dollars (\$1,200);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);

eighth grade, one employee, one thousand six hundred dollars
- (\$1,600) ;

seventh grade, one employee, one thousand five hundred dollars
(\$1,500).

sixth grade, two employees, one thousand two hundred dollars
each (\$2,400) ;

third grade, one employee, six hundred dollars (\$600).

For the personal expenses and disbursements of the attorney-general in the performance of his official duties, one thousand six hundred dollars (\$1,600), and of the first and second deputies of the attorney-general in the performance of their official duties, one thousand dollars each (\$2,000), pursuant to sections fifty and fifty-one of the executive law.

For furniture, books, binding, blanks, printing, messages, postage, and the transportation of letters, documents and other matter sent by express or freight, including boxes or covering for the same, and other necessary incidental office expenses, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

NEW YORK CITY BUREAU.

For the salaries:

of the deputy, four thousand dollars (\$4,000) ;

two deputies, five thousand two hundred dollars (\$5,200) ;

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars
(\$1,500) ;

third grade, three employees, six hundred dollars each (\$1,800) .

For the compensation of special counsel, at not to exceed ten dollars per day, each to be designated on the written order of the attorney-general or the New York city deputy of the attorney-general, for office rent, furniture, books, binding, blanks, postage, messages and other necessary incidental office expenses, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

Said New York city bureau shall keep a docket, in which shall be entered a record of all cases and proceedings pending, of a civil or criminal nature, in which the people of the state of New York, or any officer or department of the state, shall be a party, represented by the said New York city deputy or his assistant or special counsel, and shall make a report daily of his proceedings in all such cases and proceedings to the attorney-general. The said New York city deputy shall have, under the direction of the

attorney-general, immediate charge of all matters referred to in section fifty-seven of the executive law, the agricultural law, and all matters in which the attorney-general represents the state, arising or existing within the limits of New York city, and all fees, costs and fines collected by the New York city deputy or by his assistants, shall, on the day of the receipt thereof, be transmitted to the attorney-general, who shall deposit the same with the treasurer of the state of New York.

The attorney-general is hereby authorized to employ as many deputies, clerks, stenographers and messengers as he may deem necessary, and to fix their salaries, except when fixed by law; but the aggregate salaries for such clerical force, stenographers and messengers shall not exceed the sum hereinabove appropriated for such service.

OFFICE OF THE STATE ENGINEER AND SURVEYOR.

For the salaries:

of the state engineer and surveyor, five thousand dollars (\$5,000);

deputy state engineer and surveyor, four thousand dollars (\$4,000);

chief clerk, three thousand dollars (\$3,000);

of the employees according to grade:

ninth grade, one employee (land clerk), two thousand dollars (\$2,000);

eighth grade, one employee (canal clerk), one thousand eight hundred dollars (\$1,800);

sixth grade, one employee (record clerk acting as confidential clerk), one thousand one hundred dollars (\$1,100);

three employees (stenographers), one thousand dollars each (\$3,000);

third grade, one employee (page or messenger), six hundred dollars (\$600);

one employee (night watchman), five hundred forty dollars (\$540).

For the supervision of the expenditure of moneys for the repair and maintenance of public highways in towns under the money system, pursuant to sections fifty-five-c and fifty-five-d of the highway law, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

For furniture, books, binding, blanks, printing and other necessary incidental office expenses, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, two thousand dollars (\$2,000), or so much thereof as may be necessary.

PAYABLE FROM THE CANAL FUND.

For the actual and necessary traveling expenses of the state engineer and surveyor, in the performance of his official duties, two thousand dollars (\$2,000) and of the deputy state engineer and surveyor, in the performance of his official duties, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For salaries and compensation of the engineers employed upon the ordinary repairs of canals, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

DEPARTMENT OF EDUCATION.

COMMISSIONER'S OFFICE.

For the salaries:

of the commissioner of education, seven thousand five hundred dollars (\$7,500), and for his traveling and other expenses, one thousand five hundred dollars (\$1,500) pursuant to chapter forty, laws of nineteen hundred four.

secretary to the commissioner, one thousand five hundred dollars (\$1,500);

of the employees according to grade:

sixth grade, two employees, one thousand dollars each, (\$2,000);

first assistant commissioner, five thousand dollars (\$5,000);

of the employees according to grade:

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

fourth grade, one employee, seven hundred twenty dollars (\$720);

second assistant commissioner, five thousand dollars (\$5,000);

of the employees according to grade:

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

fourth grade, one employee, seven hundred twenty dollars (\$720);

third assistant commissioner, five thousand dollars (\$5,000).

assistant in elementary education, two thousand seven hundred dollars (\$2,700);

of the employees according to grade:

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

fourth grade, one employee, seven hundred twenty dollars (\$720);

ADMINISTRATION DIVISION.

chief, three thousand dollars (\$3,000);

cashier, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, two employees, one thousand two hundred dollars (\$2,400);

two employees, one thousand dollars each (\$2,000);

fifth grade, three employees, nine hundred dollars each (\$2,700);

fourth grade, one employee, seven hundred twenty dollars (\$720);

third grade, four employees, six hundred dollars each (\$2,400);

second grade, four employees, four hundred eighty dollars each (\$1,920);

COMPULSORY ATTENDANCE DIVISION.

chief, three thousand dollars (\$3,000);

of the employees according to grade:

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

one employee, one thousand dollars (\$1,000).

EXAMINATIONS DIVISION.

chief, four thousand dollars (\$4,000);

assistant in charge of teachers' examinations, three thousand dollars (\$3,000);

assistant in charge of foreign credentials, two thousand seven hundred dollars (\$2,700);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

eighth grade, three employees, one thousand eight hundred dollars each (\$5,400);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, eight employees, one thousand two hundred dollars each (\$9,600);

four employees, one thousand dollars each (\$4,000);

fifth grade, nineteen employees, nine hundred dollars each (\$17,100);

fourth grade, ten employees, seven hundred twenty dollars each (\$7,200);

third grade, eleven employees, six hundred dollars each (\$6,600);

second grade, two employees, four hundred eighty dollars each (\$960);

first grade, one employee, three hundred sixty dollars (\$360).

INSPECTIONS DIVISION.

chief, three thousand five hundred dollars (\$3,500);

one inspector, three thousand dollars (\$3,000);

nine inspectors, two thousand five hundred dollars each (\$22,500);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

ninth grade, three employees, two thousand dollars each (\$6,000);

eighth grade, one employee, one thousand eight hundred dollars (\$1,800), payable from the fees obtained under chapter two hundred ninety-three, laws of nineteen hundred three;

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

one employee, one thousand dollars (\$1,000);

fifth grade, one employee, nine hundred dollars (\$900);

LAW DIVISION.

chief, three thousand five hundred dollars (\$3,500);
 of the employees according to grade:
 seventh grade, one employee, one thousand five hundred dollars
 (\$1,500).

DIVISION OF SCHOOL LIBRARIES.

chief, two thousand five hundred dollars (\$2,500);
 of the employees according to grade:
 tenth grade, one employee, two thousand four hundred dol-
 lars (\$2,400);
 fifth grade, one employee, nine hundred dollars (\$900).

STATISTICS DIVISION.

chief, two thousand seven hundred fifty dollars (\$2,750);
 of the employees according to grade:
 sixth grade, two employees, one thousand two hundred dol-
 lars each (\$2,400);
 fifth grade, one employee, nine hundred dollars (\$900);
 third grade, two employees, six hundred dollars each
 (\$1,200).

DIVISION OF VISUAL INSTRUCTION.

chief, three thousand dollars (\$3,000);
 of the employees according to grade:
 ninth grade, one employee, two thousand dollars (\$2,000);
 fifth grade, three employees, nine hundred dollars each
 (\$2,700);
 third grade, two employees, six hundred dollars each
 (\$1,200);
 second grade, one employee, four hundred eighty dollars
 (\$480).

For the purchase, preparation and distribution of apparatus and material used in administering the system of visual instruction under rules and regulations prescribed by the commissioner of education, seven thousand five hundred dollars (re. \$7,500), or so much thereof as may be necessary, which is reappropriated from the unexpended balance of the appropriation for the same purpose made by chapter six hundred ninety-nine, laws of nineteen hundred five.

THE STATE LIBRARY.

director, five thousand dollars (\$5,000);

law librarian, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

tenth grade, three employees, two thousand four hundred dollars each (\$7,200);

ninth grade, one employee, two thousand one hundred dollars (\$2,100);

eighth grade, two employees, one thousand eight hundred dollars each (\$3,600);

seventh grade, three employees, one thousand five hundred dollars each (\$4,500);

sixth grade, eight employees, one thousand two hundred dollars each (\$9,600);

two employees, one thousand dollars each (\$2,000);

fifth grade, nine employees, nine hundred dollars each (\$8,100);

fourth grade, twelve employees, seven hundred twenty dollars each (\$8,640);

third grade, ten employees, six hundred dollars each, (\$6,000);

second grade, ten employees, four hundred eighty dollars each (\$4,800);

first grade, six employees, three hundred sixty dollars each (\$2,160).

For books, serials and binding pursuant to chapter three hundred seventy-eight, laws of eighteen hundred ninety-two, twenty thousand dollars (\$20,000), or so much thereof as may be necessary;

For the state medical library for books, serials and binding pursuant to chapter three hundred seventy-seven, laws of eighteen hundred ninety-one, two thousand dollars (\$2,000), or so much thereof as may be necessary;

For the law library for books, serials and binding, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary;

For books to be loaned free to the blind of the state, one thousand dollars (\$1,000), or so much thereof as may be necessary.

APPENDIX.

LIBRARY SCHOOL.

vice-director, two thousand five hundred dollars (\$2,500);
of the employees according to grade:
seventh grade, one employee, one thousand five hundred dollars (\$1,500);
sixth grade, one employee, one thousand two hundred dollars (\$1,200);
third grade, two employees, six hundred dollars each (\$1,200).

DIVISION OF EDUCATIONAL EXTENSION.

chief, two thousand four hundred dollars (\$2,400);
of the employees according to grade:
eighth grade, one employee, one thousand eight hundred dollars (\$1,800);
sixth grade, two employees, one thousand two hundred dollars each (\$2,400);
fifth grade, two employees, nine hundred dollars each (\$1,800);
fourth grade, two employees, seven hundred twenty dollars each (\$1,440);
third grade, two employees, six hundred dollars each (\$1,200);
second grade, three employees, four hundred eighty dollars each (\$1,440);
first grade, two employees, three hundred sixty dollars each (\$720).

For grants of public money for the benefit of free libraries, in accordance with sections fourteen, forty-seven, forty-eight, and fifty of chapter three hundred seventy-eight, laws of eighteen hundred ninety-two, twenty-eight thousand dollars (\$28,000), or so much thereof as may be necessary.

For traveling libraries and books, including traveling libraries for charitable institutions, six thousand dollars (\$6,000).

DIVISION OF SCIENCE.

director, state geologist and paleontologist, four thousand dollars (\$4,000);
state botanist, two thousand four hundred dollars (\$2,400);
state entomologist, two thousand four hundred dollars (\$2,400);
of the employees according to grade:
tenth grade, one employee, two thousand two hundred dollars (\$2,200);

ninth grade, one employee, two thousand dollars (\$2,000);
 seventh grade, one employee, one thousand five hundred dollars (\$1,500);
 three employees, one thousand four hundred dollars each (\$4,200);
 sixth grade, four employees, one thousand two hundred dollars each (\$4,800);
 one employee, one thousand twenty dollars (\$1,020);
 fifth grade, three employees, nine hundred dollars each (\$2,700);
 one employee, seven hundred eighty dollars (\$780);
 fourth grade, three employees, seven hundred twenty dollars each (\$2,160);
 third grade, two employees, six hundred dollars each (\$1,200);
 second grade, one employee, four hundred eighty dollars (\$480).

For the actual and necessary traveling expenses of the director and his assistants in the performance of their official duties, and for necessary temporary services in preserving and increasing the various scientific collections, and for field operations and scientific investigations, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

TEMPORARY SERVICES.

For temporary services in the several divisions of the education department, except for the division of science and teachers' institutes, four thousand five hundred dollars (re. \$4,500), which is re-appropriated from the unexpended balance of the appropriation for the same purpose made by chapter six hundred ninety-nine, laws of nineteen hundred five. No payments for temporary services in said department shall be made from any other appropriation in this act, except as herein indicated.

POSTAGE, EXPRESS, ETC.

For postage, messages and transportation of letters, official documents, and other matter sent by express or freight, including boxes or coverings for same, twenty-seven thousand dollars (\$27,000), or so much thereof as may be necessary.

PRINTING.

For all department printing including trustees' reports, school registers, and the Arbor Day circular, twenty-seven thousand dollars (\$27,000), or so much thereof as may be necessary. No payments for printing for the department of education shall be made from any other appropriation in this act.

TRAVELING EXPENSES.

For actual and necessary traveling expenses incurred in the performance of official duty in the visitation and inspection of common schools, high schools, academies, Indian schools, normal schools, colleges, universities, libraries and other institutions under the supervision of the education department; by the state examinations board and of lectures in the library school, eighteen thousand five hundred dollars (\$18,500), or so much thereof as may be necessary. No payment for traveling expenses for said department except for the division of science, and for teachers' institutes, shall be made from any other appropriation in this act.

OFFICE EXPENSES AND CARE OF ROOMS.

For services of elevator men, porters, laborers, cleaners, for care of rooms occupied by the department, in the basement, and on the first, third, fourth, fifth, sixth and seventh floors of the capitol, including the state library, twelve thousand dollars (\$12,000);

For rent of malthouse for storage, one thousand two hundred dollars (\$1,200);

For power for two elevators, and for furniture and all other necessary incidental expenses, ten thousand eight hundred dollars (\$10,800), or so much thereof as may be necessary, of which nine thousand two hundred twenty-seven dollars and fifty-two cents (re. \$9,227.52) is reappropriated from the unexpended balance of the appropriation for salaries for the department made by chapter six hundred ninety-nine, laws of nineteen hundred five.

LECTURERS AT FARMERS' INSTITUTES.

For the services of lecturers and instructors at farmers' institutes to be appointed and directed by the state education department, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary. Such appointees shall render such other services to the department throughout the year when not engaged in visiting farmers' institutes as may be required.

TEACHERS' INSTITUTES.

For the salaries:

- of five institute conductors, three thousand dollars each (\$15,000);
- of a special instructor in drawing, two thousand two hundred dollars (\$2,200);
- of a special instructor in primary work, reading and literature, two thousand dollars (\$2,000);
- of a special instructor in English, one thousand two hundred dollars (\$1,200);

For actual and necessary traveling expenses and temporary services of additional special instructors at teachers' institutes, city institutes and the university convocation, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

TRAINING OF TEACHERS.

For payment to academies and union schools designated by the commissioner of education for the professional training of teachers, pursuant to chapter five hundred fifty-six, laws of eighteen hundred ninety-four, and for the professional training of teachers in cities and villages of the state employing a local superintendent of schools, in accordance with the provisions of chapter ten hundred thirty-one, laws of eighteen hundred ninety-five, one hundred thousand dollars (\$100,000). Not more than one hundred fifteen training classes shall be established by the commissioner of education in any one year under the provisions of chapter five hundred fifty-six, laws of eighteen hundred ninety-four. Five hundred dollars shall be paid to each school maintaining a class of not less than ten pupils, in accordance with rules and regulations established by the commissioner of education, and such balance as shall remain shall be apportioned among such training classes ratably on the basis of the number of teachers instructed therein in excess of said number.

MAINTENANCE OF INDIAN SCHOOLS.

For the support of Indian schools, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

INDIAN EDUCATION IN NORMAL SCHOOLS.

For the support and education of Indian youth in the state normal and training schools pursuant to provisions of chapter eighty-nine, laws of eighteen hundred fifty-one, five hundred dollars (\$500), or so much thereof as may be necessary.

NORMAL SCHOOLS.

Payable on the approval of the commissioner of education for the maintenance:

of the state normal college at Albany, forty-five thousand dollars (\$45,000);
of the state normal schools at
Brockport, thirty-six thousand dollars (\$36,000);
Buffalo, thirty-four thousand dollars (\$34,000);
Cortland, forty-one thousand dollars (\$41,000);
Fredonia, thirty-four thousand dollars (\$34,000);
Geneseo, forty-one thousand dollars (\$41,000);
New Paltz, thirty-four thousand dollars (\$34,000);
Oneonta, forty-one thousand dollars (\$41,000);
Oswego, thirty-seven thousand dollars (\$37,000);
Plattsburgh, thirty-seven thousand dollars (\$37,000);
Potsdam, forty thousand dollars (\$40,000).

One thousand dollars (\$1,000) shall be allowed to the president of the state normal college in addition to his salary in lieu of the residence heretofore provided and destroyed by fire in nineteen hundred and six and the sum of three hundred dollars (\$300) in addition to salary shall be allowed to the principal of each normal school not provided with a residence by the state.

In addition to the above appropriations twenty thousand dollars (\$20,000), or so much thereof as may be necessary, is hereby appropriated from the tuition fees and revenues from other sources received by the state treasurer from the several normal schools to be repaid to the schools from which received for their further support and maintenance. No part of the appropriation for the maintenance of normal schools shall be available for insurance of normal school buildings.

SCHOOL COMMISSIONERS.

For the salaries of the school commissioners, one hundred thirteen thousand dollars (\$113,000), payable one thousand dollars (\$1,000) to each commissioner in the state.

COMMON SCHOOLS.

For the support of the common schools of the state, four million five hundred thousand dollars (\$4,500,000), or so much thereof as may be necessary to be apportioned by the commissioner of

education as supervision, district and teachers' quotas on the basis provided by title two of the consolidated school law. Before making such apportionment the commissioner of education may set aside not to exceed ten thousand dollars (\$10,000) for a contingent fund.

CITIES, ACADEMIES, ACADEMIC DEPARTMENTS AND LIBRARIES.

For the cities, union school districts, academies maintaining academic departments, and public school libraries, four hundred eighty-five thousand dollars (\$485,000) to be apportioned by the commissioner of education under regulations established by him in the manner directed by chapter six hundred eighty-three, laws of nineteen hundred six for the apportionment of an appropriation for the same purpose; but in the apportionment of moneys for non-resident pupils attending the academic department of public schools as provided in said chapter, in cities whose customary charge for non-resident pupils is greater than the sum provided in said chapter, the commissioner of education may in his discretion permit the sum so apportioned to be applied upon such customary charge for such non-resident pupils from towns adjacent to such cities provided the balance of such customary charge shall be assumed by the school district in which such non-resident pupil is resident and the payment thereof shall have been provided for at a school district meeting, held in such district.

The comptroller is hereby authorized to transfer to the general fund to meet the appropriations hereby made for educational purposes, so much of the revenues of the trust funds as may be necessary, not to exceed three hundred forty-nine thousand five hundred dollars (\$349,500), as follows:

Common school fund, one hundred seventy-seven thousand dollars (\$177,000);

Literature fund, twelve thousand dollars (\$12,000);

United States Deposit fund, one hundred sixty thousand five hundred dollars (\$160,500).

DEPARTMENT OF AGRICULTURE.

For the salaries;

of the commissioner of agriculture, four thousand dollars (\$4,000);

one assistant commissioner, three thousand dollars (\$3,000);
chief chemist, three thousand dollars (\$3,000);

- assistant chemist, two thousand dollars (\$2,000);
 - chemists, bacteriologists, physiologists and other scientific employees, four thousand dollars (\$4,000), or so much thereof as may be necessary;
 - veterinarians, three thousand dollars (\$3,000), or so much thereof as may be necessary;
 - confidential agent, two thousand dollars (\$2,000);
 - of the employees according to grade:
 - eighth grade, one employee, one thousand eight hundred dollars (\$1,800);
 - seventh grade, nine assistant commissioners, one thousand five hundred dollars each (\$13,500);
 - six cheese instructors, one thousand five hundred dollars each (\$9,000);
 - four butter instructors, one thousand five hundred dollars each (\$6,000);
 - chief of the bureau of agricultural statistics, one thousand five hundred dollars (\$1,500);
 - one employee, one thousand five hundred dollars (\$1,500);
 - sixth grade, thirty-three special agents, one thousand two hundred dollars each (\$39,600);
 - four inspectors, one thousand dollars each (\$4,000);
 - one employee, one thousand two hundred dollars (\$1,200);
 - two employees, one thousand dollars each (\$2,000);
 - fifth grade, three inspectors, nine hundred dollars each (\$2,700);
 - six inspectors, eight hundred dollars each (\$4,800);
 - two employees, nine hundred dollars each (\$1,800);
 - fourth grade, one employee of the bureau of agricultural statistics, seven hundred twenty dollars (\$720);
 - third grade, one employee of the bureau of agricultural statistics, six hundred dollars (\$600);
 - first grade, one employee, three hundred sixty dollars (\$360).
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For maintenance of farmers' institutes held under the auspices of the commissioner of agriculture, to be paid upon the order of said commissioner, and certified in sums as needed, and for which vouchers for expenditures duly audited and verified by him shall be rendered, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the assistant commissioners, and employees except the assistant commissioner located at Albany, in the performance of their official duties, and for the actual and necessary incidental expenses of the department, sixty thousand dollars (\$60,000), or so much thereof as may be necessary.

For the commissioner of agriculture one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary, for the actual and necessary traveling expenses of himself and of the assistant commissioner located at Albany in the discharge of their official duties.

NURSERY INSPECTION.

For commissioner of agriculture for the purpose of investigation and extermination of San Jose scale and other dangerously infectious or contagious insect pest or pests, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

For the actual and necessary incidental expenses of article fourteen of the agricultural law, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

AGRICULTURAL EXPERIMENT STATION AT GENEVA.

To the commissioner of agriculture, for the New York state agricultural experiment station, for enforcing the provisions of law in relation to commercial fertilizers, pursuant to chapter four hundred thirty-seven, laws of eighteen hundred ninety, and chapter nine hundred fifty-five, laws of eighteen hundred ninety-six, and chapter six hundred eighty-seven, laws of eighteen hundred ninety-nine, and for the expense of bulletins as provided therein, and any acts amendatory thereof, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be paid from license fees received by the state treasurer on fertilizers.

For the expense of enforcing the provisions of the law in relation to concentrated feeding stuffs, as shall be authorized by

the board of control, pursuant to chapter five hundred ten, laws of eighteen hundred ninety-nine and the acts amendatory thereof, to be paid from license fees received by the state treasurer on concentrated feeding stuffs, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

To the board of control for the agricultural experiment station at Geneva:

for the salaries of the scientific staff and clerical force, twenty-eight thousand dollars (\$28,000);

for labor, including engineer, janitors, laboratory helpers, gardeners, herdsmen, teamsters, poultrymen, watchmen and other necessary labor, thirteen thousand dollars (\$13,000), or so much thereof as may be necessary;

for necessary expenses in conducting researches in plant nutrition, diseases of plants, injurious insects, bacteriology, animal nutrition, dairy practice and poultry keeping, twenty thousand dollars (\$20,000), or so much thereof as may be necessary;

for general expenses including heat, light, water, equipment of scientific apparatus, and farm implements and machinery and general repairs, four thousand dollars (\$4,000), or so much thereof as may be necessary;

for horticultural instruction, and for the purpose of conducting horticultural investigations and experiments, and for disseminating the information so obtained, as provided for in and pursuant to section eighty-five of the agricultural law, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

OFFICE OF STATE ARCHITECT.

For the salaries:

of the state architect, seven thousand five hundred dollars (\$7,500);

private secretary, one thousand eight hundred dollars (\$1,800);

chief draughtsman, two thousand seven hundred fifty dollars (\$2,750);

engineer-in-chief, two thousand five hundred dollars (\$2,500);

engineering inspector, two thousand two hundred fifty dollars (\$2,250);

electrical engineer, two thousand two hundred dollars (\$2,200);

structural engineer, two thousand dollars (\$2,000);
 heating engineer, two thousand dollars (\$2,000);
 engineer, two thousand dollars (\$2,000);
 draughtsmen and tracers, twenty-five thousand dollars
 (\$25,000), or so much thereof as may be necessary;
 of the employees according to grade:
 seventh grade, one employee, one thousand five hundred dollars
 (\$1,500);
 sixth grade, five employees; two, one thousand two hundred
 dollars each (\$2,400); two, one thousand
 dollars each (\$2,000); one, nine hundred
 eighty dollars (\$980);
 fifth grade, one employee, nine hundred dollars (\$900);
 third grade, one employee, six hundred dollars (\$600);
 first grade, one employee, three hundred thirteen dollars
 (\$313).

For the salaries:

of building inspectors, thirteen thousand seven hundred
 twenty-five dollars (\$13,725), or so much thereof as may
 be necessary.

For office supplies and expenses, four thousand dollars (\$4,000),
 or so much thereof as may be necessary.

For actual and necessary traveling expenses of the state archi-
 tect and his employees in the performance of official duties, four
 thousand dollars (\$4,000), or so much thereof as may be neces-
 sary.

BANKING DEPARTMENT.

For the salaries:

of the superintendent, seven thousand dollars (\$7,000), and for
 his actual and necessary traveling expenses in the
 performance of his official duties, one thousand five
 hundred dollars (\$1,500), or so much thereof as may
 be necessary.

first deputy superintendent, four thousand dollars
 (\$4,000), and for his actual and necessary traveling
 expenses in the performance of his official duties, one
 thousand dollars (\$1,000), or so much thereof as may
 be necessary.

confidential and financial clerk and private secretary,
 three thousand three hundred dollars (\$3,300);

of the employees according to grade:

sixth grade, two clerks and stenographers, one thousand two hundred dollars each (\$2,400);

one employee, one thousand two hundred dollars (\$1,200);

stenographer in the branch office in New York city, one thousand two hundred dollars (\$1,200);

two stenographers in Albany office, one thousand dollars each (\$2,000);

fifth grade, one employee, nine hundred dollars (\$900);

second grade, night watchman, four hundred twenty dollars (\$420).

For rent of branch office in the city of New York, one thousand three hundred twenty-five dollars (\$1,325).

For furniture, books, binding, blanks, printing and other necessary incidental office expenses, seven thousand dollars (\$7,000), and in addition thereto one thousand five hundred dollars (re. \$1,500), being a portion of unexpended appropriation for clerk hire, made by chapter six hundred ninety-nine, laws of nineteen hundred five.

The amounts required for the salaries, clerk-hire and other expenses above mentioned shall be refunded to the treasury, one thousand dollars thereof for carrying out the provisions of chapter six hundred eighty-nine, laws of eighteen hundred ninety-two, providing for reports concerning dormant accounts in savings banks, to be assessed upon and collected from the savings banks making such reports, and the remainder pursuant to section seven of said chapter.

For the expense of appraising property, and other necessary incidental expenses in connection therewith, one thousand dollars (\$1,000), or so much thereof as may be necessary, which sum shall be assessed upon and collected from the corporations, under the jurisdiction of the department, or a part of them, and refunded to the treasury as provided in said banking law.

For carrying out the provisions of the banking law, chapter six hundred eighty-nine, laws of eighteen hundred ninety-two, as amended, in reference to the supervision and visitation of mortgage, loan or investment companies, and of co-operative savings and loan associations, and for foreign co-operative savings and loan associations, and other similar associations required by law to report to said superintendent of banks:

For the salaries:

of the deputy in charge of bureau of building and loan associations and foreign corporations, four thousand dollars (\$4,000);

of the employees according to grade:

seventh grade, clerk, one thousand five hundred dollars (\$1,500);

sixth grade, stenographer, one thousand dollars (\$1,000).

For furniture, books, binding, blanks, printing and other necessary and incidental expenses of the bureau, eight hundred dollars (\$800); which sums shall be assessed upon and collected from said associations and corporations and refunded to the treasury, as provided in said banking law.

For the payment of the examiners for the examination of corporations and individual bankers, pursuant to the provisions of the banking law, sixty-five thousand dollars (\$65,000), or so much thereof as may be necessary, which shall be assessed and collected from the corporations and individual bankers, according to the amount charged for the examination of each, and refunded to the state treasury.

STATE BOARD OF CHARITIES.

For the salary of the secretary three thousand five hundred dollars (\$3,500).

For compensation of twelve commissioners, as provided by chapter five hundred forty-six, laws of eighteen hundred ninety-six, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the salaries:

of the superintendent of inspection, two thousand five hundred dollars (\$2,500);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

sixth grade, three employees, one thousand two hundred dollars each (\$3,600);

fourth grade, four employees, seven hundred twenty dollars each (\$2,880).

For temporary help, four hundred dollars (\$400), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the commis-

sioners and secretary in the performance of their official duties, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the employees of the department in the performance of their official duties, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For furniture, rent, books, blanks, printing and other necessary and incidental office expenses, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

For postage, and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, fifteen hundred dollars (\$1,500), or so much thereof as may be necessary.

NEW YORK OFFICE.

For the salaries:

of the superintendent, one thousand five hundred dollars (\$1,500);

of the employees according to grade:

seventh grade, inspector, one thousand four hundred dollars (\$1,400);

sixth grade, one inspector, one thousand two hundred dollars (\$1,200);

fifth grade, two inspectors, nine hundred dollars each (\$1,800);

fourth grade, one employee, seven hundred twenty dollars (\$720).

ROCHESTER OFFICE.

of the employees according to grade:

sixth grade, inspector, one thousand two hundred dollars (\$1,200);

third grade, one employee, six hundred dollars (\$600).

STATE AND ALIEN POOR.

of the superintendent, three thousand dollars (\$3,000);

deputy superintendent in New York city, one thousand five hundred dollars (\$1,500);

of the employees according to grade:

ninth grade, special inspector of charitable institutions, two thousand dollars (\$2,000);

seventh grade, inspector, one thousand five hundred dollars (\$1,500);

sixth grade, two assistant inspectors, one thousand two hundred dollars each (\$2,400);

transfer agent, Kings county almshouse, one thousand two hundred dollars (\$1,200);

transfer agent, Erie county almshouse, one thousand two hundred dollars (\$1,200);

fifth grade, one employee, nine hundred dollars (\$900);

fourth grade, one employee, seven hundred twenty dollars (\$720);

third grade, one employee, six hundred dollars (\$600).

For the actual and necessary traveling expenses of superintendent and inspectors in the performance of their official duties, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For furniture, books, printing, messages and other necessary incidental office expenses, eight hundred dollars (\$800), or so much thereof as may be necessary.

For maintenance, transportation and removal of state, non-resident and alien poor, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

It shall be the duty of the board in its annual report to the legislature to give a complete itemized statement of the expenditures for state paupers during the preceding fiscal year.

CIVIL SERVICE COMMISSION.

For salaries:

of the civil service commissioners, nine thousand dollars (\$9,000);

For the actual and necessary expenses of the commissioners in the performance of their official duty: of the president, seven hundred dollars, and of the other commissioners, four hundred dollars each (\$1,500) or so much thereof as may be necessary.

ADMINISTRATION DIVISION.

For salaries:

of the secretary, three thousand six hundred dollars (\$3,600);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

Sixth grade, one employee, one thousand two hundred dollars; one employee, one thousand dollars (\$2,200);

fifth grade, one employee, nine hundred dollars (\$900);
 third grade, one employee, six hundred dollars (\$600);
 first grade, one employee, three hundred sixty dollars
 (\$360);

For the actual and necessary traveling expenses of the secretary, in the performance of his official duty, one hundred fifty dollars (\$150), or so much thereof as may be necessary.

For furniture, books, printing, blanks, messages and other necessary incidental office expenses and for expenses incurred in the inspection or investigation of the administration of the law and rules, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, one thousand eight hundred dollars (\$1,800), or so much thereof as may be necessary.

EXAMINATIONS DIVISION.

For salaries:

of the chief examiner, three thousand six hundred dollars (\$3,600);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);
 seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand two hundred dollars;
 one employee one thousand dollars (\$2,200);

fifth grade, two employees, nine hundred dollars each (\$1,800);

first grade, one employee, three hundred sixty dollars (\$360);

For the actual and necessary traveling expenses of the chief examiner in the performance of his official duty, four hundred dollars (\$400), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the examiners and stenographer in the performance of their official duty, one hundred dollars (\$100), or so much thereof as may be necessary.

For the expenses of examinations, and compensation of temporary local and expert examiners to be appointed by the commission, seven thousand dollars (\$7,000), or so much thereof as may be necessary.

STATE SUPERINTENDENT OF ELECTIONS.

For the Metropolitan Elections District.

For the salaries:

- of the state superintendent, five thousand dollars (\$5,000);
- chief deputy, four thousand five hundred dollars (\$4,500);
- secretary, two thousand dollars (\$2,000);
- chief clerk, one thousand eight hundred dollars (\$1,800);
- stenographer, one thousand five hundred dollars (\$1,500);
- deputy state superintendents of elections, one hundred and thirty thousand dollars (\$130,000).

For furniture, books, blanks, printing, stationery, messages and other necessary incidental office expenses, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

STATE DEPARTMENT OF EXCISE.

For the salaries:

- of the state commissioner of excise, seven thousand dollars (\$7,000), and for his actual and necessary traveling expenses in the performance of his official duty, six hundred dollars (\$600), or so much thereof as may be necessary;
- deputy commissioner, five thousand dollars (\$5,000), and for his actual and necessary traveling expenses in the performance of his official duty, five hundred dollars (\$500), or so much thereof as may be necessary;
- second deputy commissioner, three thousand five hundred dollars (\$3,500).

For expenses of special agent service, including salaries of sixty special agents, and salary and expenses of special detective service, one hundred thousand dollars (\$100,000), or so much thereof as may be necessary.

For general counsel, four thousand five hundred dollars (\$4,500).

For legal expenses, including salaries of attorneys and law stenographers for Albany, New York, Brooklyn and Buffalo offices, and compensation, costs, expenses and disbursements of attorneys under section ten of the liquor tax law, sixty-five thousand dollars (\$65,000), or so much thereof as may be necessary.

For furniture, books, blanks, binding, printing, stationery, postage, transportation of letters and official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, including suboffices, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary.

For examination of offices of the special deputy commissioners and county treasurers, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For expense of enumeration and determining amount of excise taxation in several localities, including supervision, four thousand dollars (\$4,000), or so much thereof as may be necessary.

REBATES.

For the payment of rebates on surrender of liquor tax certificates, under the provisions of the liquor tax law, three hundred thousand dollars (\$300,000), or so much thereof as may be necessary.

ALBANY OFFICE.

For the salaries:

- of the secretary, two thousand dollars (\$2,000);
- financial clerk, one thousand eight hundred dollars (\$1,800);
- chief rebate clerk, two thousand two hundred fifty dollars (\$2,250);
- auditor, two thousand five hundred dollars (\$2,500);
- accountant and special examiner, two thousand five hundred dollars (\$2,500);
- cashier, two thousand seven hundred fifty dollars (\$2,750).

of the employees according to grade:

- ninth grade, three employees, six thousand dollars (\$6,000);
- eighth grade, three employees, five thousand two hundred dollars (\$5,200);
- seventh grade, four employees, six thousand dollars (\$6,000);
- sixth grade, thirteen employees, fourteen thousand four hundred dollars (\$14,400);
- fifth grade, nine employees, seven thousand sixty dollars (\$7,060);
- fourth grade, one employee, seven hundred twenty dollars (\$720).

SPECIAL DEPUTY COMMISSIONERS OF EXCISE.

For the one-half part, payable by the state, of the salaries and expenses of the several special deputy commissioners of excise, including office rent and clerical help, office furniture, fixtures and appliances, as provided by section nine of the liquor tax law, to wit:

BOROUGH OF MANHATTAN AND THE BRONX.

For the salaries:

of the special deputy commissioner, two thousand five hundred dollars (\$2,500);

cashier and bookkeeper, one thousand seven hundred fifty dollars (\$1,750);

confidential clerk, one thousand dollars (\$1,000).

of the employees according to grade:

tenth grade, one employee, one thousand one hundred twenty-five dollars (\$1,125);

seventh grade, ten employees, seven thousand three hundred fifty dollars (\$7,350).

sixth grade, two employees, one thousand two hundred dollars (\$1,200).

For rent, four thousand dollars (\$4,000).

BOROUGH OF BROOKLYN.

For the salaries:

of the special deputy commissioner, one thousand eight hundred seventy-five dollars (\$1,875).

cashier, one thousand two hundred fifty dollars (\$1,250);

of the employees according to grade:

ninth grade, two employees, two thousand dollars (\$2,000);

seventh grade, four employees, three thousand dollars (\$3,000);

sixth grade, one employee, six hundred dollars (\$600).

For rent, one thousand two hundred dollars (\$1,200).

BOROUGH OF QUEENS.

For the salary of the special deputy commissioner, one thousand two hundred fifty dollars (\$1,250), and for expenses of his office, including office rent and clerical help, one thousand dollars (\$1,000), or so much thereof as may be necessary.

BOROUGH OF RICHMOND.

For the salary of the special deputy commissioner, one thousand dollars (\$1,000), and for expenses of his office, including

office rent and clerical help, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

COUNTY OF ERIE.

For the salaries:

of the special deputy commissioner, one thousand five hundred dollars (\$1,500).

of the employees according to grade:

ninth grade, one employee, one thousand dollars (\$1,000);

seventh grade, two employees, one thousand five hundred dollars (\$1,500);

fifth grade, one employee, four hundred fifty dollars (\$450).

For rent, nine hundred thirty dollars (\$930).

COUNTY OF MONROE.

For the salary of the special deputy commissioner, one thousand two hundred fifty dollars (\$1,250), and for the expenses of his office, including office rent and clerical help, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

FOREST, FISH AND GAME COMMISSION.

For the salaries:

of the commissioner, five thousand dollars (\$5,000);

deputy commissioner, two thousand five hundred dollars (\$2,500); and for the actual and necessary traveling expenses of the commissioner and deputy commissioner, in the performance of their official duty, three thousand dollars (\$3,000), or so much thereof as may be necessary;

secretary, two thousand four hundred dollars (\$2,400);

of the employees according to grade:

ninth grade, one employee, two thousand dollars (\$2,000);

eighth grade, one employee, one thousand six hundred dollars (\$1,600);

fifth grade, stenographer to the commissioner, eight hundred dollars (\$800).

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same and other necessary and incidental office expenses, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For printing twenty-five thousand copies of the forest, fish and game law for nineteen hundred eight, pursuant to chapter two

hundred eighty-two, laws of nineteen hundred seven, to be distributed as follows: One hundred copies to each senator, fifty copies to each member of assembly and the remainder under the direction of the commissioner of forest, fish and game, three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary.

PROTECTION OF FISH AND GAME.

For the salaries:

of the chief protector, two thousand dollars (\$2,000);

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

one first assistant chief protector, one thousand four hundred dollars (\$1,400);

sixth grade, one second and one third assistant chief protectors, one thousand two hundred dollars each (\$2,400);

third grade, fifty-eight protectors, six hundred dollars each (\$34,800), or so much thereof as may be necessary, and for the actual and necessary expenses of the chief protector, assistant chief protectors and protectors in the performance of official duty twenty-seven thousand dollars (\$27,000), or so much thereof as may be necessary.

PROPAGATION AND DISTRIBUTION OF FISH.

For the expense and maintenance of fish hatcheries, and hatching stations, and for the propagation and distribution of food and game fish and fry, as follows:

for the Adirondack hatchery, nine thousand dollars (\$9,000);

for the Bath hatchery, seven thousand five hundred dollars (\$7,500);

for the Caledonia hatchery, thirteen thousand dollars (\$13,000);

for the Cold Spring harbor hatchery, ten thousand dollars (\$10,000);

for the Delaware hatchery, five thousand dollars (\$5,000);

for the Fulton chain hatchery, three thousand dollars (\$3,000);

for the Linlithgo hatchery, two thousand five hundred dollars (\$2,500);

APPENDIX.

for the Oneida hatchery, five thousand dollars (\$5,000);

for the Chautauqua hatchery, one thousand five hundred dollars (\$1,500);

for the Hudson river hatchery, one thousand dollars (\$1,000);

for collecting and purchasing eggs, two thousand dollars (\$2,000);

For miscellaneous expenses, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the salary of the fish culturist, three thousand dollars (\$3,000) and for his actual and necessary traveling expenses in the performance of his official duty, nine hundred dollars (\$900), or so much thereof as may be necessary.

For the payment of the salaries of two additional game protectors for Jamaica bay and adjacent waters, as provided by chapter five hundred thirty-nine, laws of nineteen hundred six, one thousand dollars each (\$2,000) and for their necessary expenses, four hundred fifty dollars each (\$900), or so much thereof as may be necessary.

SHELLFISH DEPARTMENT.

For the salaries:

of the superintendent, two thousand five hundred dollars (\$2,500), and for his actual and necessary traveling expenses in the performance of his official duty, five hundred dollars (\$500), or so much thereof as may be necessary, and for rent and necessary and incidental office expenses, one thousand seven hundred dollars (\$1,700), or so much thereof as may be necessary;

of the employees according to grade:

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

two oyster protectors, one thousand dollars each (\$2,000);

third grade, assistant oyster protector, six hundred dollars (\$600);

special assistant oyster protector, six hundred dollars (\$600), and for the actual and necessary expenses of the oyster protectors and assistant oyster protector, in the performance

of their official duty, two thousand dollars (\$2,000), or so much thereof as may be necessary.

FORESTRY DEPARTMENT.

For the salaries:

of the superintendent of forests, three thousand dollars (\$3,000); and for his actual and necessary traveling expenses, in the performance of his official duty, nine hundred dollars (\$900), or so much thereof as may be necessary;

of the employees according to grade:

eighth grade, chief firewarden, one thousand eight hundred dollars (\$1,800);

seventh grade, special agent, one thousand five hundred dollars (\$1,500);

three expert foresters, four thousand five hundred dollars (\$4,500);

sixth grade, one employee, one thousand two hundred dollars (\$1,200);

one forester, one thousand dollars (\$1,000); for the actual and necessary traveling expenses of the chief firewarden and foresters in the performance of their official duty, two thousand eight hundred dollars (\$2,800), or so much thereof as may be necessary;

fifth grade, five inspectors, nine hundred dollars each (\$4,500), and for the actual and necessary expenses of such inspectors in the performance of their official duty, two thousand two hundred fifty dollars (\$2,250), or so much thereof as may be necessary.

For the purpose of reforesting burned or denuded lands in the forest preserves and for preparing and distributing instructive pamphlets on forestry subjects, pursuant to section two hundred twenty of the forest, fish and game law, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

LEGAL DEPARTMENT.

For the salaries:

of one chief attorney, four thousand five hundred dollars (\$4,500);

one assistant attorney, one thousand five hundred dollars (\$1,500);
stenographer, one thousand two hundred dollars (\$1,200).

For furniture, law books, stationery and printing, five hundred dollars (\$500), or so much thereof as may be necessary.

COMMISSION OF GAS AND ELECTRICITY.

For the salaries:

of the commissioners, twenty-four thousand dollars (\$24,000);
secretary, three thousand dollars (\$3,000);
chief clerk of records, two thousand five hundred dollars (\$2,500);
gas and electric expert, five thousand dollars (\$5,000);
chief inspector of gas, one thousand eight hundred dollars (\$1,800);
first assistant inspector of gas, one thousand dollars (\$1,000);
second assistant inspector of gas, one thousand dollars (\$1,000);
assistant inspector of electricity, one thousand two hundred dollars (\$1,200);
accountant and bookkeeper, one thousand five hundred dollars (\$1,500);

of the employees according to grade:

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);
fifth grade, two employees, nine hundred dollars each (\$1,800);
third grade, one employee, six hundred dollars (\$600);
second grade, one employee, four hundred eighty dollars (\$480);

For necessary traveling expenses and disbursements of the commissioners, their officers, clerks, inspectors experts and other employees pursuant to chapter seven hundred thirty-seven, laws of nineteen hundred five, six thousand dollars (\$6,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same and other necessary and incidental office expenses including supplies and equipment for gas testing and laboratory, three thousand dollars (\$3,000), or so much thereof as may be necessary.

HEALTH DEPARTMENT.

For the salaries:

of the commissioner of health, four thousand five hundred dollars (\$4,500); and for his actual and necessary traveling expenses in the performance of his official duty, one thousand dollars (\$1,000) or so much thereof as may be necessary.

secretary, three thousand dollars (\$3,000);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, one employee, one thousand eighty dollars (\$1,080);

second grade, one employee, four hundred eighty dollars (\$480).

DIVISION OF SANITARY ENGINEERING.

For the salaries:

of the consulting engineers, four thousand five hundred dollars (\$4,500);

of the assistant consulting engineer, two thousand four hundred dollars (\$2,400);

of two assistant sanitary engineers, one thousand five hundred dollars each (\$3,000);

of the employees according to grade:

sixth grade, one employee, one thousand eighty dollars (1,080);

For the purchase of instruments, maps, and for necessary and incidental office expenses, seven hundred dollars (\$700), or so much thereof as may be necessary.

DIVISION OF VITAL STATISTICS.

Of the employees according to grade:

- seventh grade, three employees, one thousand five hundred dollars each (\$4,500);
- sixth grade, one employee, one thousand two hundred dollars (\$1,200);
- fifth grade, one employee, nine hundred dollars (\$900);
- fourth grade, two employees, seven hundred twenty dollars each (\$1,440);
- third grade, one employee, six hundred dollars (\$600).

DIVISION OF COMMUNICABLE DISEASES.

- of the medical expert on contagious diseases, one thousand five hundred dollars (\$1,500);
- of the employees according to grade:
- fifth grade, two employees, nine hundred dollars each (\$1,800).

ANTITOXIN LABORATORY.

For the actual and necessary expenditures for the manufacture and standardization of tetanus, streptococcus and diphtheria antitoxin, for the proper distribution of the same in antiseptic tubes, and for further investigations of serum therapy in tuberculosis, typhoid fever and kindred diseases, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary.

HYGIENIC LABORATORY.

For the actual and necessary expenses of equipment and maintenance of the state hygienic laboratory and for the services of the Bender laboratory, ten thousand dollars (\$10,000), or so much thereof as may be necessary;

for the actual and necessary traveling expenses of subordinates of the department in the performance of their official duty pursuant to the written direction of the commissioner, five thousand dollars (\$5,000), or so much thereof as may be necessary;

for services and expenses of experts and stenographers in examinations and investigations, and for the expense of the annual conference of health officers, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary;

for furniture, books, blanks, binding, printing, messages and other necessary and incidental office expenses, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary;

for postage, and transportation of letters, official documents, and other matter sent by express or freight, including boxes or covering for same, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

STATE HISTORIAN.

For the salaries:

of the state historian, four thousand five hundred dollars (\$4,500);

chief clerk, one thousand five hundred dollars (\$1,500);

stenographer, one thousand eighty dollars (\$1,080);

page, three hundred eighty-four dollars (\$384);

For extra clerical services, furniture, books, blanks, printing, stationery, maps, messages and other necessary and incidental office expenses, nine hundred dollars (\$900), or so much thereof as may be necessary.

INSURANCE DEPARTMENT.

For the salaries:

of the superintendent of insurance, seven thousand dollars (\$7,000), and for his actual and necessary traveling expenses in the performance of his official duty, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary;

first deputy superintendent of insurance, five thousand dollars (\$5,000), and for his actual and necessary traveling expenses in the performance of his official duty, five hundred dollars (\$500), or so much thereof as may be necessary;

second deputy superintendent of insurance, four thousand five hundred dollars (\$4,500);

actuary, four thousand five hundred dollars (\$4,500);

first assistant actuary, three thousand two hundred dollars (\$3,200);

chief clerk, three thousand six hundred dollars (\$3,600);

cashier and tax clerk, three thousand five hundred dollars (\$3,500);

registrar, two thousand five hundred dollars (\$2,500);
for temporary services, three thousand dollars (\$3,000).

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

ninth grade, one employee, two thousand one hundred dollars (\$2,100);

two employees, two thousand dollars each (\$4,000);

seventh grade, twelve employees, one thousand five hundred dollars each (\$18,000);

five employees, one thousand four hundred dollars each (\$7,000);

sixth grade, five employees, one thousand two hundred dollars each (\$6,000);

two employees, one thousand dollars each (\$2,000);

fifth grade, three employees, nine hundred dollars each (\$2,700);

For rent of branch office New York city, one thousand seven hundred dollars (\$1,700).

For printing and binding insurance reports, two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same and necessary and incidental office expenses including New York office, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of department employees in the performance of their official duty, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For expenses of computation, compilation and publication of new valuation tables for valuations and other incidental expenses connected therewith, to carry into effect the provisions of section eighty-four of the insurance law, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

The following appropriations to be collected from and refunded to the treasury by the corporations under examination when disbursements therefrom are in consequence of services at or in connection with such examination:

For the salaries:

of the examiner of life insurance companies not to exceed five thousand dollars (\$5,000);

examiner of casualty and miscellaneous insurance companies not to exceed four thousand five hundred dollars (\$4,500);

examiner of fire and marine insurance companies not to exceed four thousand dollars (\$4,000);

assistant actuary, three thousand six hundred dollars (\$3,600);

one assistant examiner, three thousand dollars (\$3,000);

eighteen assistant examiners, forty-five thousand dollars (\$45,000), or so much thereof as may be necessary.

For services and expenses of department appraisers in the state, for services and expenses of appraisers and examiners designated in other states, for services and expenses of counsel and for expenses of examiners in connection with examination of insurance companies and for extra temporary services when required, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

DEPARTMENT OF LABOR.

For the salaries:

of the commissioner, five thousand dollars (\$5,000);

first deputy commissioner, two thousand seven hundred dollars (\$2,700);

second deputy commissioner, two thousand seven hundred dollars (\$2,700);

assistant first deputy commissioner or assistant factory inspector, two thousand four hundred dollars (\$2,400);

second assistant first deputy commissioner or assistant factory inspector, two thousand dollars (\$2,000);

counsel or assistant second deputy commissioner, two thousand four hundred dollars (\$2,400);

mediator of industrial disputes, two thousand five hundred dollars (\$2,500);

chief statistician, two thousand seven hundred dollars (\$2,700);

of the employees according to grade:

tenth grade, superintendent of licenses, two thousand four hundred dollars (\$2,400);

medical inspector of factories, two thousand four hundred dollars (\$2,400);

ninth grade, two employees, one thousand nine hundred dollars each (\$3,800);

eighth grade, one employee, one thousand eight hundred dollars (\$1,800);

one employee, one thousand seven hundred dollars (\$1,700);

seventh grade, two deputy factory inspectors, one thousand five hundred dollars each (\$3,000);

six employees, one thousand five hundred dollars each (\$9,000);

two employees, one thousand four hundred forty dollars each (\$2,880);

two employees, one thousand four hundred dollars each (\$2,800);

two employees, one thousand three hundred dollars each (\$2,600);

sixth grade, thirty-seven deputy factory inspectors, one thousand two hundred dollars each (\$44,400);

eight employees, one thousand two hundred dollars each (\$9,600);

thirteen deputy factory inspectors, one thousand dollars each (\$13,000);

two employees, one thousand dollars each (\$2,000);

fifth grade, three employees, nine hundred dollars each (\$2,700);

fourth grade, four employees, seven hundred twenty dollars each (\$2,880);

one or more temporary clerks, five hundred dollars (\$500);

For the actual and necessary traveling expenses of the commissioner, in the performance of his official duty, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the first and second deputies, their assistants, the mediator, the superintendent of licenses, the statisticians, the special agents and the deputy factory inspectors in the performance of their official duty under the direction of the commissioner, thirty-one thousand dollars (\$31,000), or so much thereof as may be necessary.

For printing, including the expense of publishing bulletins, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

For furniture, books, blanks, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same and other necessary and incidental office expenses, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For purchase of reports and materials for the bulletins and annual reports of the bureau of labor statistics, one thousand dollars (\$1,000).

LAND OFFICE.

For valuations, assessments and other actual and necessary expenses incurred in administering the laws relating to public lands, six thousand dollars (\$6,000), or so much thereof as may be necessary.

STATE COMMISSION IN LUNACY.

For the salaries:

of the medical commissioner, seven thousand five hundred dollars (\$7,500);

legal commissioner, five thousand dollars (\$5,000);

lay commissioner, five thousand dollars (\$5,000);

medical inspector, four thousand five hundred dollars (\$4,500);

secretary, four thousand dollars (\$4,000);

auditor of state hospital estimates, four thousand dollars (\$4,000);

of the employees according to grades:

eighth grade, one employee, one thousand seven hundred dollars (\$1,700);

seventh grade, three employees, one thousand five hundred dollars each (\$4,500);

sixth grade, four employees, one thousand two hundred dollars each (\$4,800);

fourth grade, one employee, seven hundred dollars (\$700);

second grade, one employee, four hundred twenty dollars (\$420);

For temporary clerical and expert services, five hundred dollars (\$500), or so much thereof as may be necessary.

For the traveling and incidental expenses of the three commis-

sioners, one thousand two hundred dollars each (\$3,600), pursuant to section three of the insanity law.

For the actual and necessary traveling expenses of the medical inspector, in the performance of his official duty, seven hundred fifty dollars (\$750), or so much thereof as may be necessary.

For the deportation of alien and non-resident lunatics to other countries and states, and for the transfer of patients from one hospital to another, eight thousand six hundred dollars (\$8,600).

For the salaries of the members of the board of alienists appointed under chapter three hundred twenty-six, laws of nineteen hundred four, fifteen thousand dollars (\$15,000).

For the actual and necessary traveling expenses of the members of said board in the performance of their official duty, two thousand dollars (\$2,000), and for services of interpreters, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For compensation and actual and necessary traveling expenses of special agents, in the performance of their official duty, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, six thousand dollars (\$6,000).

UTICA STATE HOSPITAL.

For the maintenance of the Utica state hospital, two hundred thirty-five thousand dollars (\$235,000), or so much thereof as may be necessary.

WILLARD STATE HOSPITAL.

For the maintenance of the Willard state hospital, four hundred thousand dollars (\$400,000), or so much thereof as may be necessary.

HUDSON RIVER STATE HOSPITAL.

For the maintenance of the Hudson river state hospital, four hundred seventy thousand dollars (\$470,000), or so much thereof as may be necessary.

MIDDLETOWN STATE HOMEOPATHIC HOSPITAL.

For the maintenance of the Middletown state homeopathic hospital, three hundred thirty thousand dollars (\$330,000), or so much thereof as may be necessary.

BUFFALO STATE HOSPITAL.

For the maintenance of the Buffalo state hospital, three hundred thirty thousand dollars (\$330,000), or so much thereof as may be necessary.

BINGHAMTON STATE HOSPITAL.

For the maintenance of the Binghamton state hospital, three hundred seventy thousand dollars (\$370,000), or so much thereof as may be necessary.

SAINT LAWRENCE STATE HOSPITAL.

For the maintenance of the Saint Lawrence state hospital, three hundred twenty thousand dollars (\$320,000), or so much thereof as may be necessary.

ROCHESTER STATE HOSPITAL.

For the maintenance of the Rochester state hospital, two hundred forty thousand dollars (\$240,000), or so much thereof as may be necessary.

GOWANDA STATE HOMEOPATHIC HOSPITAL.

For the maintenance of the Gowanda state homeopathic hospital, one hundred sixty thousand dollars (\$160,000), or so much thereof as may be necessary.

KINGS PARK STATE HOSPITAL.

For the maintenance of the Kings Park state hospital, five hundred five thousand dollars (\$505,000), or so much thereof as may be necessary.

LONG ISLAND STATE HOSPITAL.

For the maintenance of the Long Island state hospital, one hundred forty thousand dollars (\$140,000), or so much thereof as may be necessary.

MANHATTAN STATE HOSPITAL.

For the maintenance of the Manhattan state hospital, six hundred five thousand dollars (\$605,000), or so much thereof as may be necessary.

CENTRAL ISLIP STATE HOSPITAL.

For the maintenance of the Central Islip state hospital, five hundred fifty thousand dollars (\$550,000), or so much thereof as may be necessary.

For the maintenance of a pathological institute under the direction of the state commission in lunacy, pursuant to the insanity law and under the further provisions relating thereto contained in chapter five hundred ninety-eight, laws of nineteen hundred three, twenty-seven thousand five hundred dollars (\$27,500), or so much thereof as may be necessary.

NATIONAL GUARD.

For the salaries:

of the adjutant-general, four thousand dollars (\$4,000);

assistant adjutants-general, military storekeeper and clerical force, as provided in section one hundred sixty-one of the military code, twenty-three thousand dollars (\$23,000);

officers on the staff of the major-general commanding the national guard, as provided by section one hundred sixty of the military code, eleven thousand eight hundred dollars (\$11,800).

For allowances to headquarters of brigades, regiments, battalions and squadrons, as provided in section one hundred fifty-nine of the military code, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

For allowance to officers to assist in uniforming and equipping themselves and organizations, for the purpose of defraying necessary military expenses, as provided in sections one hundred fifty-six and one hundred fifty-seven of the military code, one hundred sixty-five thousand dollars (\$165,000), or so much thereof as may be necessary.

For payment of pensions to members of the national guard and naval militia and their care when injured or disabled in service, pursuant to sections one hundred twenty-nine and one hundred thirty-two, chapter five hundred fifty-nine, laws of eighteen hundred ninety-three and the acts amendatory thereof and for the expenses of examination of claims for pensions thereunder, ten thousand dollars (\$10,000) or so much thereof as may be necessary.

For postage and transportation of letters, official documents or other matter sent by express or freight, including boxes or covering for same, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the other actual and necessary expenses of the national guard and the office of the adjutant-general, to be expended in accordance with the military code, one hundred seventy-five thousand dollars (\$175,000), or so much thereof as may be necessary.

MILITARY RECORD FUND.

REVENUE.

For the adjutant-general for the expenses of the bureau of military records, payable from the revenue of the military record fund, two thousand dollars (\$2,000), or so much thereof as may be necessary.

NAVAL MILITIA.

For allowance to headquarters of the naval militia, and battalions, as provided in section one hundred fifty-nine of the military code, two thousand four hundred dollars (\$2,400), or so much thereof as may be necessary.

For allowance to officers of the naval militia to assist in uniforming and equipping themselves, and organizations of the naval militia, for the purpose of defraying necessary military expenses, as provided in sections one hundred fifty-six, and one hundred fifty-seven of the military code, five thousand six hundred dollars (\$5,600), or so much thereof as may be necessary.

For other actual and necessary expenses of the naval militia, to be expended in accordance with the military code, sixteen thousand dollars (\$16,000), or so much thereof as may be necessary.

NIAGARA RESERVATION.

For the salaries:

of the superintendent, two thousand four hundred dollars (\$2,400);

two operators of the inclined railway, nine hundred dollars each (\$1,800);

watchmen, janitors, scrub-woman and janitors' supplies two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

police, ticket-men and caretakers, five thousand two hundred dollars (\$5,200), or so much thereof as may be necessary.

For the commissioners' actual and necessary expenses in the performance of their official duty, superintendent's office expenses and actual and necessary traveling expenses in the performance of his official duty and for postage, messages and express charges, one thousand six hundred dollars (\$1,600), or so much thereof as may be necessary.

For salaries of foremen, teamsters, laborers and other employees as required, and the purchase of materials, tools, lights, fuel and other necessary and incidental expenses, fourteen thousand dollars (\$14,000), or so much thereof as may be necessary.

STATE COMMISSION OF PRISONS.

For the salaries:

of the president of the state commission of prisons; two thousand five hundred dollars (\$2,500);

secretary, three thousand dollars (\$3,000);

clerk, one thousand five hundred dollars (\$1,500);

stenographer, one thousand dollars (\$1,000).

For the actual and necessary traveling expenses of the commissioners and secretary in the performance of their official duty, and for furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

PRISON DEPARTMENT.

For the salaries:

of the superintendent of state prisons, six thousand dollars (\$6,000);

superintendent's clerk, four thousand dollars (\$4,000);

two stenographers, one thousand dollars each (\$2,000);

messenger, one thousand dollars (\$1,000);

one parole officer, one thousand five hundred dollars (\$1,500);

two parole officers, one thousand two hundred dollars each (\$2,400).

For the actual and necessary traveling expenses of the superintendent and his clerks, in the performance of their official duty, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary and incidental office expenses, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For the support and maintenance of the several state prisons pursuant to chapter three hundred eighty-two, laws of eighteen hundred eighty-nine and for the ordinary repairs thereof and supplying water therefor, the following sums, or so much thereof as may be necessary:

For Sing Sing prison, one hundred seventy-five thousand dollars (\$175,000); Auburn prison, one hundred sixty-six thousand dollars (\$166,000); Clinton prison, one hundred fifty-nine thousand dollars (\$159,000).

For the state prison for women at Auburn, pursuant to chapter three hundred six, laws of eighteen hundred ninety-three, and for the transportation of women prisoners, twenty-three thousand dollars (\$23,000).

For the actual and necessary traveling expenses of the parole officers in the performance of their official duty, and for rewards for delinquent paroled prisoners, four thousand dollars (\$4,000), or so much thereof as may be necessary.

DANNEMORA HOSPITAL FOR INSANE CONVICTS.

For the support and maintenance of the Dannemora hospital for insane convicts, seventy thousand dollars (\$70,000), or so much thereof as may be necessary, but the salary of no officer in this institution shall exceed the salary fixed by the schedule of the lunacy commission for like position.

MATTEAWAN STATE HOSPITAL FOR INSANE CRIMINALS.

For the support and maintenance of Matteawan state hospital for insane criminals, one hundred thirty-five thousand dollars (\$135,000), or so much thereof as may be necessary, but the salary of no officer in this institution shall exceed the salary fixed by the schedule of the lunacy commission for like position.

COMPENSATION OF SHERIFFS.

For compensation of sheriffs for the transportation of convicts to prisons, asylums for insane criminals, penitentiaries, houses of refuge and reformatories, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

MAINTENANCE OF CONVICTS.

For the maintenance of convicts sentenced to penitentiaries, in pursuance to chapter one hundred fifty-eight, laws of eighteen hundred fifty-six, chapter five hundred eighty-four, laws of eighteen hundred sixty-five, chapter six hundred sixty-seven, laws of eighteen hundred sixty-six, chapter five hundred seventy-four, laws of eighteen hundred sixty-nine, chapter two hundred forty-seven, laws of eighteen hundred seventy-four, chapter five hundred seventy-one, laws of eighteen hundred seventy-five, chapter four hundred ninety, laws of eighteen hundred eighty-five, chapter one hundred fifteen, laws of eighteen hundred ninety-one and chapter five hundred eighty-seven, laws of eighteen hundred ninety-two, forty-five thousand dollars (\$45,000), or so much thereof as may be necessary.

PAYABLE FROM THE CAPITAL FUND.

For the salaries:

- of one sales agent, four thousand dollars (\$4,000);
- one clerk, manufacturing department, three thousand six hundred dollars (\$3,600);
- two superintendents of industries, three thousand six hundred dollars each (\$7,200);
- one superintendent of industries, one thousand five hundred dollars (\$1,500);
- one assistant superintendent of industries, one thousand eight hundred dollars (\$1,800);
- one master mechanic, three thousand dollars (\$3,000);
- one financial agent, New York city, two thousand four hundred dollars (\$2,400);
- one financial agent, Sing Sing, one thousand eight hundred dollars (\$1,800);
- two foremen, two thousand four hundred dollars each (\$4,800);

of the employees according to grade:

- ninth grade, one foreman, two thousand one hundred dollars (\$2,100);
 two foremen, two thousand dollars each (\$4,000);
- eighth grade, two foremen, one thousand eight hundred dollars each (\$3,600);
- seventh grade, four foremen, one thousand five hundred dollars each (\$6,000);
 three foremen, one thousand three hundred dollars each (\$3,900);
- sixth grade, one foreman, one thousand two hundred dollars (\$1,200);
 thirteen foremen, one thousand one hundred dollars each (\$14,300);
 one instructor, one thousand one hundred dollars (\$1,100);
 four foremen, one thousand eighty dollars each (\$4,320);
- fifth grade, thirty employees, nine hundred dollars each (\$27,000);
 twelve employees, seven hundred thirty dollars each (\$8,760);
- third grade, two employees, six hundred dollars each (\$1,200);
- first grade, three employees, three hundred dollars each (\$900);

for the payment of any additional foremen or employees made necessary by any increase of the state prison industries, approved by the civil service commission, three thousand dollars (\$3,000), or so much thereof as may be necessary, but no part thereof shall be available for any increase of the salaries of any of the above specified employees.

No other salaries or compensation for services shall be paid from the capital fund except as above provided.

PRINTING.

For legislative printing of the state, two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, and the comptroller is authorized to pay from said

amount for the services of an expert printer to examine all the accounts for printing, a sum not to exceed two thousand seven hundred dollars (\$2,700) per annum.

SESSION LAWS AND OFFICIAL CANVASS.

For the publication of the session laws and the official canvass and official notices provided by law, which are subjects of contract, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

PUBLICATION OF GENERAL LAWS.

For the payment of newspapers in the various counties in this state for the publication of the general laws of the state pursuant to chapter seven hundred fifteen, laws of eighteen hundred ninety-two, one hundred thousand dollars (\$100,000), or so much thereof as may be necessary.

DEPARTMENT OF PUBLIC BUILDINGS.

For the salaries:

- of the superintendent, five thousand dollars (\$5,000);
- deputy superintendent, two thousand five hundred dollars (\$2,500);
- chief engineer, two thousand four hundred dollars (\$2,400);
- chief orderly, one thousand five hundred dollars (\$1,500);
- chief of the labor division (foreman), one thousand five hundred dollars (\$1,500);
- chief of the state hall division (janitor), one thousand two hundred dollars (\$1,200);
- chief of the agricultural and geological hall division (janitor), one thousand two hundred dollars (\$1,200);
- chief of the machinery division (machinist and locksmith), one thousand two hundred dollars (\$1,200);
- chief of the stone and tile division (stone and tile setter), one thousand two hundred dollars (\$1,200);
- chief of the carpentry division (chief carpenter), one thousand dollars (\$1,000);

chief of the upholstery division (upholsterer), nine hundred dollars (\$900);

chief of the carpet and shade division (carpet and shade-maker), nine hundred dollars (\$900);

chief of the painting division (painter), nine hundred dollars (\$900);

of the clerical force, as follows:

ninth grade, two employees, two thousand dollars each (\$4,000);

seventh grade, one employee, one thousand five hundred dollars (\$1,500);

sixth grade, two employees, one thousand two hundred dollars each; one employee, one thousand dollars (\$3,400);

fourth grade, one employee, seven hundred twenty dollars (\$720).

For the services of orderlies, watchmen, engineers, firemen, carpenters, machinists, electricians, mechanics, cleaners, laborers, porters and other necessary employees in the care and maintenance of the public buildings, one hundred seven thousand dollars (\$107,000), or so much thereof as may be necessary.

The sum of fifty thousand dollars (re. \$50,000), or so much thereof as may be necessary, being the unexpended balance of an appropriation made by chapter six hundred eighty-three, laws of nineteen hundred six, together with a portion of the unexpended balance of an appropriation made by chapter six hundred eighty-six, laws of nineteen hundred six, for lighting and necessary fixtures and appliances therefor, is hereby reappropriated for furniture, repairs, coal, fuel and other necessary and incidental expenses.

DEPARTMENT OF PUBLIC WORKS.

PAYABLE FROM CANAL FUND.

For the salaries:

of the superintendent of public works, six thousand dollars (\$6,000); deputy superintendent, four thousand dollars (\$4,000); three assistant superintendents, three thousand dollars each (\$9,000);

financial clerk, three thousand six hundred dollars (\$3,600); assistant financial clerk, two thousand seven hundred dollars (\$2,700);

of the employees according to grade:

eighth grade, one employee (clerk, eastern division), one thousand six hundred dollars (\$1,600);

one employee, one thousand six hundred dollars (\$1,600);

seventh grade, one employee (clerk, western division), one thousand five hundred dollars (\$1,500);

one employee (clerk, middle division), one thousand five hundred dollars (\$1,500);

one employee, one thousand three hundred dollars (\$1,300);

sixth grade, three employees, one thousand two hundred dollars each (\$3,600);

two employees, one thousand dollars each (\$2,000);

fifth grade, two employees, nine hundred dollars each (\$1,800);

fourth grade, one employee, seven hundred dollars (\$700);

first grade, one employee (janitress), one hundred and forty-four dollars (\$144).

For the actual and necessary traveling expenses of the assistant superintendents of public works, in the performance of their official duty, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary; and for additional clerk hire, and necessary and incidental office expenses of the superintendent and assistant superintendents of public works, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the superintendent in the performance of his official duty, two thousand dollars (\$2,000), and of the deputy superintendent of public works, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the salaries:

of the section superintendent, two thousand dollars (\$2,000);

sixteen section superintendents, one thousand five hundred dollars each (\$24,000);

ninth grade, one employee (statistician in the office of the superintendent of public works), two thousand dollars (\$2,000);

of the collectors and compilers of statistics relating to the trade and tonnage of the canals during the season of navigation, eight thousand twenty-

five dollars (\$8,025), comprising two collectors at one hundred and twenty-five dollars each per month, five collectors at one hundred dollars each per month, and four collectors at eighty dollars each per month; collectors, clerks and inspectors and measurers of boats, seven thousand two hundred and thirty-eight dollars (\$7,238), comprising three clerks at eighty dollars each per month, five clerks at seventy-five dollars each per month, and five clerks at seventy dollars each per month.

For the payment of the expenses of lock-tending and the ordinary repairs of the canals of the state, seven hundred seventy-five thousand dollars (\$775,000), or so much thereof as may be necessary.

For the compensation of gate tenders of the state dams upon the Beaver and Moose rivers, as provided by chapter one hundred sixty-eight, laws of eighteen hundred ninety-four, one thousand one hundred dollars (\$1,100), or so much thereof as may be necessary, to be paid by the comptroller on the certificate of the commissioners appointed under said act or a majority thereof.

PAYABLE FROM THE GENERAL FUND.

For the compensation of the tender and for the maintenance and operation of the draw-bridge over Minisceongo creek, Rockland county, seven hundred dollars (\$700), or so much thereof as may be necessary, on the certificate of the superintendent of public works.

For the operation, maintenance and repair of the draw-bridge known as Drake's draw-bridge, spanning Wappinger creek, in the village of New Hamburg, county of Dutchess, as provided by chapter two hundred thirty-nine, laws of eighteen hundred ninety-two, six hundred dollars (\$600), or so much thereof as may be necessary.

STEAM VESSEL INSPECTION.

For the salaries of the inspectors of steam vessels, six thousand dollars (\$6,000).

For their necessary traveling expenses, and for the supplies necessary for the performance of said duties, one thousand five

hundred dollars (\$1,500), or so much thereof as may be necessary, pursuant to chapter five hundred ninety-two, laws of eighteen hundred ninety-seven.

QUARANTINE COMMISSIONERS.

For the salaries:

of the commissioners of quarantine, seven thousand five hundred dollars (\$7,500);

secretary, one thousand eight hundred dollars (\$1,800);

confidential stenographer, nine hundred dollars (\$900);

superintendent, one thousand two hundred dollars (\$1,200);

captain of the tug, one thousand two hundred dollars (\$1,200);

engineer, one thousand eighty dollars (\$1,080);

fireman and one deck hand, four hundred eighty dollars each (\$960);

pilot, six hundred dollars (\$600);

steward, six hundred dollars (\$600);

superintendent of Swinburne island, two thousand five hundred dollars (\$2,500);

engineer, one thousand one hundred fifty dollars (\$1,150);

carpenter, nine hundred dollars (\$900);

two laborers, seven hundred twenty dollars each (\$1,440);

the cook, two hundred forty dollars (\$240);

laundryman, three hundred dollars (\$300);

superintendent of Hoffman island, one thousand five hundred dollars (\$1,500);

engineer, one thousand fifty dollars (\$1,050);

carpenter, nine hundred dollars (\$900);

master mechanic, one thousand two hundred eighty dollars (\$1,280);

two laborers, seven hundred twenty dollars each (\$1,440);

For maintenance, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

STATE BOARD OF TAX COMMISSIONERS.

For the salaries:

of the tax commissioners, fifteen thousand dollars (\$15,000);
secretary, three thousand five hundred dollars (\$3,500);

of the employees according to grade:

tenth grade, one employee, two thousand four hundred dollars (\$2,400);

seventh grade, two employees, one thousand five hundred dollars each (\$3,000);

one employee, one thousand four hundred dollars (\$1,400);

sixth grade, two employees, one thousand dollars each (\$2,000);

second grade, one employee, four hundred eighty dollars (\$480).

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other incidental and necessary office expenses, six thousand five hundred dollars (\$6,500), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the commissioners in the performances of their official duty, one thousand five hundred dollars each (\$4,500), or so much thereof as may be necessary.

For the salaries of six special agents, ten thousand eight hundred dollars (\$10,800), or so much thereof as may be necessary, and the further sum of six thousand dollars (\$6,000), or so much thereof as may be necessary, for their actual and necessary traveling expenses in the performance of their official duty.

For services and actual and necessary traveling expenses of confidential and expert appraisers of special franchises, the sum of twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

For the salary of a mortgage tax clerk, two thousand five hundred dollars (\$2,500), and the further sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, for his actual and necessary traveling expenses in the performance of his official duty.

STATE WATER SUPPLY COMMISSION.

For the salaries:

- of the state water supply commissioners, twenty-five thousand dollars (\$25,000);
- consulting engineer, four thousand dollars (\$4,000);
- secretary, two thousand four hundred dollars (\$2,400);
- stenographer, nine hundred dollars (\$900).

For the actual and necessary traveling expenses of the five commissioners in the performance of their official duty, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For the actual and necessary traveling expenses of the engineer, in the performance of his official duty, five hundred dollars (\$500), or so much thereof as may be necessary.

For office rent, four hundred fifty dollars (\$450).

For furniture, books, blanks, printing, stationery, messages, postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, and other necessary incidental office expenses, one thousand dollars (\$1,000), or so much thereof as may be necessary.

FISCAL SUPERVISOR OF STATE CHARITIES.

For the salaries:

- of the fiscal supervisor of state charities, six thousand dollars (\$6,000);
- secretary, three thousand dollars (\$3,000);
- chief clerk, two thousand five hundred dollars (\$2,500);
- inspector of buildings, heating and lighting, two thousand dollars (\$2,000);
- confidential inspector, one thousand two hundred dollars (\$1,200);

of the employees according to grade:

- eighth grade, two employees, one thousand eight hundred dollars each (\$3,600);
- seventh grade, two employees, one thousand five hundred dollars each (\$3,000);
- sixth grade, one employee, one thousand two hundred dollars (\$1,200);
- fifth grade, three employees, nine hundred dollars each (\$2,700);

fourth grade, two employees, seven hundred twenty dollars each (\$1,440);

second grade, one employee, four hundred eighty dollars (\$480).

For the actual and necessary traveling expenses of the fiscal supervisor in the performance of his official duty, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For furniture, books, blanks, printing, messages and other necessary and incidental office expenses, including the services of a competent person to examine the books, papers and accounts of any institution, as provided in article three of the state charities law, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

For the necessary expenses of the purchasing committee of the state charitable institutions for advertising for proposals, making chemical analyses, clerical services, printing, blanks, stationery, and postage, five hundred dollars (\$500), or so much thereof as may be necessary.

PUBLIC INSTITUTIONS.

WESTERN HOUSE OF REFUGE FOR WOMEN, ALBION.

For the western house of refuge for women at Albion, for the maintenance of the institution and for the transportation of those committed to it, forty-five thousand dollars (\$45,000), or so much thereof as may be necessary.

NEW YORK STATE SCHOOL FOR THE BLIND, BATAVIA.

For the maintenance and instruction of the inmates of the state school for the blind at Batavia, forty thousand dollars (\$40,000), or so much thereof as may be necessary.

NEW YORK STATE SOLDIERS' AND SAILORS' HOME, BATH.

For the New York state soldiers' and sailors' home at Bath, for maintenance and for the transportation of applicants for admission, two hundred forty thousand dollars (\$240,000), or so much thereof as may be necessary.

NEW YORK STATE REFORMATORY FOR WOMEN, BEDFORD.

For the New York state reformatory for women at Bedford, for the maintenance of the institution and for the transportation of those committed to it, fifty-five thousand dollars (\$55,000), or so much thereof as may be necessary.

NEW YORK STATE REFORMATORY, ELMIRA.

For the New York state reformatory at Elmira, for maintenance and ordinary repairs and for the purchase of material and for expenses of manufacturing, two hundred thirty-five thousand dollars (\$235,000), or so much thereof as may be necessary.

NEW YORK STATE TRAINING SCHOOL FOR GIRLS, HUDSON.

For the New York state training school for girls at Hudson, for the maintenance of the institution and for the transportation of those committed to it, seventy thousand dollars (\$70,000), or so much thereof as may be necessary.

THOMAS INDIAN SCHOOL, IROQUOIS.

For the Thomas Indian school at Iroquois, for maintenance, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

EASTERN NEW YORK REFORMATORY, NAPANOCH.

For the Eastern New York Reformatory at Napanoch, for maintenance, seventy thousand dollars (\$70,000), or so much thereof as may be necessary.

NEW YORK STATE CUSTODIAL ASYLUM, NEWARK.

For the New York state custodial asylum for feeble-minded women at Newark, for maintenance and for other necessary expenses, eighty-two thousand dollars (\$82,000), or so much thereof as may be necessary.

NEW YORK STATE WOMAN'S RELIEF CORPS HOME, OXFORD.

For the New York state woman's relief corps home at Oxford, for maintenance, thirty-three thousand dollars (\$33,000), or so much thereof as may be necessary.

NEW YORK HOUSE OF REFUGE, RANDALL'S ISLAND.

For the society for the reformation of juvenile delinquents in the city of New York, for maintenance and rewards to inmates and repairs and betterments of tools and equipment and furniture, and for necessary tools to properly conduct the trade school and common schools and military system and photographing of inmates, one hundred thirty thousand dollars (\$130,000), or so much thereof as may be necessary. No part of the sum hereby appropriated shall be used to pay for insurance.

NEW YORK STATE HOSPITAL FOR TUBERCULOSIS, RAY BROOK.

For the New York state hospital for the treatment of incipient pulmonary tuberculosis at Ray Brook, for the maintenance of the institution, sixty thousand dollars (\$60,000), or so much thereof as may be necessary.

STATE AGRICULTURAL AND INDUSTRIAL SCHOOL, RUSH.

For the state agricultural and industrial school at Rush, for the maintenance of and rewards to inmates, and repairs and betterments of tools, equipment and furniture, and for necessary tools to conduct the trade schools and common schools and military system and photographing of inmates, one hundred fifty thousand dollars (\$150,000), or so much thereof as may be necessary.

ROME STATE CUSTODIAL ASYLUM, ROME.

For the Rome state custodial asylum, for maintenance, one hundred and thirty thousand dollars (\$130,000), or so much thereof as may be necessary.

CRAIG COLONY FOR EPILEPTICS, SONYEA.

For the Craig colony for epileptics at Sonyea, for the maintenance of the institution, one hundred and sixty-six thousand dollars (\$166,000), or so much thereof as may be necessary.

SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN.

For the Syracuse state institution for feeble-minded children, for maintenance, eighty-two thousand dollars (\$82,000), or so much thereof as may be necessary.

NEW YORK STATE HOSPITAL FOR THE CARE OF CRIPPLED AND
DEFORMED CHILDREN; WEST HAVERSTRAW.

For the New York state hospital for the care of crippled and deformed children at West Haverstraw, for maintenance, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

OTHER CHARITABLE AND EDUCATIONAL INSTI-
TUTIONS.

NEW YORK INSTITUTION FOR THE BLIND.

For the support and instruction of one hundred eighty pupils at the New York institution for the blind, in addition to the sum of sixteen thousand three hundred thirty-eight dollars and thirty-five cents (re. \$16,338.35), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of thirty-seven thousand six hundred and sixty-one dollars and sixty-five cents (\$37,661.65), or a proportionate amount for a shorter period of time than one year, or for a smaller number of pupils, as shall be duly verified by the affidavits of the president and secretary of the institution.

DEAF AND DUMB.

For the support and instruction of two hundred fifty pupils at the Institute for the Deaf and Dumb, in New York city, in addition to the sum of one thousand five hundred forty-two dollars and thirty-four cents (re. \$1,542.34), remaining unexpended of appropriations heretofore made therefor and which is hereby reappropriated for the current and next fiscal year, the further sum of seventy-three thousand four hundred fifty-seven dollars and sixty-six cents (\$73,457.66).

For the support and instruction of one hundred twenty pupils at the institution for the improved instruction of deaf-mutes in New York city, in addition to the sum of seven thousand one hundred ninety-nine dollars and twenty-one cents (re. \$7,199.21), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of twenty-eight thousand eight hundred dollars and seventy-nine cents (\$28,800.79).

For the support and instruction of one hundred ten pupils at the Le Couteulx Saint Mary's institution for the improved instruction of deaf-mutes, at Buffalo, in addition to the sum of ten thousand four hundred thirty-nine dollars and two cents (re. \$10,439.02), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and next fiscal years, the further sum of twenty-two thousand five hundred sixty dollars and ninety-eight cents (\$22,560.98).

For the support and instruction of one hundred fifteen pupils at the Central New York institution for the improved instruction of deaf-mutes, at Rome, in addition to the sum of twelve thousand seven hundred ninety-five dollars and fifty-three cents (re. \$12,795.53), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of twenty-one thousand seven hundred four dollars and forty-seven cents (\$21,704.47).

For the support and instruction of sixty-five pupils at the Northern New York institution for deaf-mutes, at Malone, in addition to the sum of five thousand one hundred thirty-seven dollars and twenty-nine cents (re. \$5,137.29), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of fourteen thousand three hundred sixty-two dollars and seventy-one cents (\$14,362.71).

For the support and instruction of two hundred twenty-two pupils at Saint Joseph's institution for the improved instruction of deaf-mutes, at Fordham, in addition to the sum of two thousand nine hundred thirty-seven dollars and eighty-three cents (re. \$2,937.83), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of sixty-three thousand six hundred sixty-two dollars and seventeen cents (\$63,662.17).

For the support and instruction of twenty-five pupils at the Albany home school for the deaf, in addition to the sum of one thousand ten dollars and fifty-nine cents (re. \$1,010.59), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of six thousand four hundred eighty-nine dollars and forty-one cents (\$6,489.41).

For the support and instruction of one hundred fifteen pupils at the Western New York institution, at Rochester, for the improved instruction of deaf-mutes, in addition to the sum of one thousand four hundred sixty dollars and fifty-nine cents (re. \$1,460.59), remaining unexpended of appropriations heretofore made therefor, which is hereby reappropriated for the current and the next fiscal years, the further sum of thirty-three thousand thirty-nine dollars and forty-one cents (\$33,039.41).

The amount hereby appropriated for the several institutions for the support and instruction of deaf-mutes is at the rate of three hundred dollars per capita per annum and a proportionate amount for shorter period of time than one year, or for a smaller number of pupils in each case, and shall be allowed in each of the last eight items, and paid by the comptroller, upon certificate verified by oath of the president and secretary of such institution, and upon the approval of the commissioner of education.

ALFRED UNIVERSITY.

For the maintenance of the state school of clay workings and ceramics at Alfred university as provided by chapter three hundred eighty-three, laws of nineteen hundred, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

CORNELL UNIVERSITY.

For payment to Cornell university, being the interest at five per centum on the proceeds of the college land scrip fund pursuant to chapter seventy-eight, laws of eighteen hundred ninety-five, thirty-four thousand four hundred twenty-eight dollars and eighty cents (\$34,428.80).

For the state veterinary college at Cornell university for maintenance, equipment and necessary material to conduct the same, thirty thousand dollars (\$30,000), payable to the treasurer of Cornell university on the warrant of the comptroller.

For the state college of agriculture at Cornell university for the promotion of agricultural knowledge throughout the state as provided by chapter four hundred thirty, laws of eighteen hundred ninety-nine, and for the maintenance, equipment and necessary material to conduct the college of agriculture, one hundred fifty thousand dollars (\$150,000), payable to the treasurer of Cornell university on the warrant of the comptroller.

MISCELLANEOUS.

COUNTY TREASURERS.

For advances to county treasurers on account of taxes on property of non-residents, and for taxes on state, wild or forest lands which may be returned to the comptroller's office, and for adjusting accounts of state taxes with counties, fifty-five thousand dollars (\$55,000), or so much thereof as may be necessary.

REDEMPTION OF LANDS.

The sum of nine thousand dollars (\$9,000), for repayment of money to purchasers upon redemption of lands sold for taxes.

REFUND OF TAXES.

The sum of one thousand dollars (\$1,000), for repayment of money erroneously paid into the treasury for taxes.

INDIAN AFFAIRS.

For the payment of the annuities to the several Indian tribes, as follows:

To the Onondagas, two thousand four hundred thirty dollars (\$2,430);

Cayugas, two thousand three hundred dollars (\$2,300);

Senecas, five hundred dollars (\$500);

Saint Regis, two thousand one hundred thirty-one dollars and sixty-seven cents (\$2,131.67).

For the relief of the Onondaga Indians, three hundred dollars (\$300).

For compensation of the agent of the Onondaga Indians, two hundred dollars (\$200).

For compensation of the agent of the Onondaga Indians, pursuant to chapter one hundred seventy-eight, laws of eighteen hundred forty-seven and chapter six hundred thirty-five, laws of eighteen hundred sixty-nine, sixty-five dollars (\$65).

For compensation of the agent of the Onondaga Indians, residing on the Allegany and Cattaraugus reservation, one hundred fifty dollars (\$150).

For compensation of the attorney of the Saint Regis Indians, one hundred fifty dollars (\$150).

For compensation of the attorney of the Seneca Indians, one hundred fifty dollars (\$150).

For compensation of the attorney of the Tonawanda band of Seneca Indians, one hundred fifty dollars (\$150).

VARIOUS.

For the lieutenant-governor and the speaker of the assembly, for their actual and necessary traveling expenses in the performance of their duties upon the several boards of which they are members, one thousand dollars each (\$2,000), or so much thereof as may be necessary.

For the trustees of Washington's headquarters, at Newburgh, for compensation of the superintendent, and for the care, maintenance, repairs and improvements of the grounds, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the trustees of public buildings, for the salary of the keeper of the senate-house property, at Kingston, pursuant to chapter two hundred twenty-seven, laws of eighteen hundred ninety-three, six hundred dollars (\$600).

For the salary of the custodian and care-taker of the state reservation at Stony Point, six hundred dollars (\$600), or so much thereof as may be necessary, payable monthly.

For the expenses of the board of port wardens of the port of New York, pursuant to chapter one hundred forty-two, laws of eighteen hundred ninety-one, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary.

For salary of janitor of the Saratoga monument, six hundred dollars (\$600), as provided by chapter five hundred fifty-five, laws of eighteen hundred ninety-five.

For care and maintenance of Grant cottage, as provided by chapter six hundred sixty-seven, laws of eighteen hundred ninety-six, one thousand dollars (\$1,000), or so much thereof as may be necessary.

§ 2. The several amounts herein appropriated shall be paid by the treasurer from the respective sums as specified, pursuant to the requirements of the state finance law, and it shall be the duty of the treasurer to report annually to the legislature the detail of the several expenditures. The salary or compensation of any officer or employee, when not prescribed by law, for which an appropriation is made by this act, may be fixed by the department, official or officials appointing such officer,

or employing such employee, at a less, but not a greater sum than the amount herein appropriated for the salary or compensation of such officer or employee. No appropriation herein contained shall be available for the salary or compensation of any regular officer or employee whose employment or office is not herein specified unless his appointment or employment is expressly authorized, and except as otherwise herein expressly provided, the appropriations made in this act for traveling expenses of officers or employees are for actual and necessary expenses only, in the performance of official duty and to be paid upon proper proof thereof, as required by section twelve of the state finance law, and no other or further or fixed allowance for expenses shall be granted or paid, anything in any other statute to the contrary notwithstanding.

The appropriations made in this act for the salaries of employees by grades are intended to refer to such grades as established by, and in accordance with, chapter five hundred twenty-one, laws of nineteen hundred one, and such appropriations shall be available for the salaries of employees in any grade lower than the one specified in the appropriation act.

A manager, trustee or officer of any state charitable or other institution receiving moneys under this act from the state treasury, for maintenance and support, shall be entitled to actual and necessary traveling expenses only when attending meetings of the board at the office of the institution or visiting the institution or in attendance on the state board of charities or the fiscal supervisor of state charities, pursuant to a request of said board or fiscal supervisor of state charities.

(No. 47.)

Strike out everything following the enacting clause and in place thereof insert the following:

“Section 1. Section twelve of chapter one hundred and seventy-nine of the laws of eighteen hundred and ninety-eight, entitled “An act in relation to enrollment for political parties, primary elections, conventions and political committees,” as amended by chapter four hundred and seventy-three of the laws of eighteen hundred and ninety-nine and chapter two hundred

and two of the laws of nineteen hundred is hereby amended to read as follow:

§ 12. Nomination of candidates at primary elections.—In counties having one million inhabitants or over the nomination of party candidates for public officers to be filled wholly from any such county or from any subdivision thereof or from territory situated within any such subdivision shall be made by the enrolled members of the party at the official primary elections of the party held on the annual primary day. Written statements showing the result of the votes for the several candidates for nomination shall be made by the boards of primary inspectors of each primary district and forthwith filed in the office of the custodian of primary records in the manner provided in section eight of the primary election law. The custodian of primary records shall, within ten days, ascertain from such statements the persons nominated for such offices and shall forthwith publish the names of such nominees and the title of the offices for which they are nominated in a newspaper published in such subdivision. He shall also keep a copy of such notice publicly posted in his office from the date of publication until the day of general election. He shall also keep the said statements on file in his office as public records for a period of six months from the date of their receipt. The names of the persons so nominated shall be printed on the official ballot as the nominees of the party for such offices.

§ 2. The primary election law is hereby amended by adding thereto a new section to be known as section twelve-a and to read as follows:

§ 12-a, Petition; ballots and manner of voting.—In counties having one million inhabitants or over and in any subdivisions of any such county an official ballot to be used at the primary election of such party shall be provided at public expense and the provisions of this section shall apply to the primary elections held in any such county or subdivision thereof. Such ballot shall contain the names of all candidates for the respective offices and positions to be voted for at such primary election including delegates and alternates to conventions held for the choice of candidates for offices to be filled from a territory not entirely included within any such county, and also election district offices and all committees of the party. Any person desiring to present the name of a candidate or candidates for nomination to any office or for any position to be filled shall file with the custodian of

primary records a petition addressed to him containing the names and addresses of such candidates, signed and duly acknowledged or proved by the number of enrolled members of the party hereinbelow provided at least twenty days before the annual primary day. The petition shall not be filed unless accompanied by the written consent of the person nominated duly acknowledged or proved, to accept such nomination. Petitions presenting the names of candidates for offices or positions to be filled from an assembly or aldermanic district shall be signed by at least fifty enrolled members of the party; for offices or positions to be filled from a senatorial or congressional district by at least one hundred such enrolled members; for offices and positions to be filled from a county by at least two hundred and fifty such enrolled members; for positions to be filled from any such county at large by at least five hundred such enrolled members; for positions to be filled from an election district by at least ten such enrolled members; and for offices and positions to be filled from other subdivisions by at least such number as such general committee may prescribe, provided such number shall not exceed one per centum of the votes cast in such subdivision for the party's candidate for governor at the last preceding gubernatorial election. Such petition may contain the name of a candidate or candidates for one or more offices and positions, but no such petition shall contain the names of more candidates for any office or position than there are persons to be chosen for such office or position and no person shall join in nominating more candidates for any office or position than there are persons to be chosen thereto, and no person shall sign any such petition unless he is enrolled as a member of such party in an election district from which or which is within the territory from which office or position is to be filled. The petition shall in substance without regard to form request that the name of the candidate shall be placed on the official ballot to be used on primary day. Such petition shall also contain a statement in substance to the effect that the signer is an enrolled member of the party (mentioning its name) in the election district from which or which is within the territory from which the office or offices and position or positions are to be filled, and that he has not signed any other petition for the nomination of candidates for the same offices or positions. Each person who signs such a petition shall add to his signature the address from which he is enrolled, and the omission of such address shall invalidate his

signature, but shall not otherwise affect the petition. At least ten days before the annual primary day, the custodian of primary records shall ascertain from said petitions who are the candidates for the party nominations for the respective public offices, and who are candidates for other positions to be filled, and shall cause the names of the candidates for nomination for public offices to be published in a newspaper published within the said county from which said position is to be filled, as the case may be; and shall keep the list of all candidates and the positions open for public inspection during office hours from date of filing thereof until primary day. The custodian of primary records shall prepare, print and deliver to the proper election officials in each primary district ballots for each election district therein bearing the names of all candidates as determined by said petitions to the number of one and one-half times the number of enrolled members of said party in each such election district. All ballots shall be printed in black ink and clear white paper of the same grade as that prescribed by law for ballots for use at general election. On the back of such ballot in such a position that it will show when folded shall be printed in great primer Roman condensed capitals, the words: "Primary ballot of the..... party" (the blank space being filled with the name of the party), and the words "Assembly district No., Election district No." (the blanks being filled with the appropriate numbers) and the date of the primary election. Each ballot shall have printed on the face the party name, the assembly district number, and the election district number. Immediately below shall be printed in type known as brevier the following: "In order to vote, the voter should make with a pencil having black lead a cross (X) mark before the name of each candidate for whom he desires to vote. To vote for a person not on the ballot, write the name of such person under the title of the office or position in the blank space provided therefor. Any other mark than the cross (X) mark used for the purpose of voting, or any erasure made on the ballot, makes it void and no vote can be counted thereon. If you tear or deface or wrongly mark the ballot return it and obtain another; but only one additional ballot may be so obtained." The ballot shall also have printed on its face the name of the offices the candidates for which are to be nominated by direct vote at the primary, and the names of the positions to be filled at the primary. Directly below the name of each office

and position shall be printed in brier lower case type a direction to voters as to the number of names to be voter for the office or position in the following words: "Vote for" (the blank being filled with the number of the persons to be chosen for the office or position); and below this direction shall be printed in alphabetical order the names of all candidates for such office or position in whose behalf valid and sufficient petitions have been filed; below such names shall be left a blank space or spaces corresponding to the number of names to be voted for the office or position, where the voter may write the name of any person whose name is not upon the ballot, for whom he desires to vote. The party name and the numbers of the election and assembly district and the direction as to the manner of voting shall be printed above the names of the offices, positions and candidates and shall be separated therefrom by a black line. Two vertical parallel lines one-quarter inch distant from each other shall be printed to the left of the column of names of candidates extending from said black line to the bottom of the ballot; and the names of the candidates shall be separated by horizontal lines, one-half inch distant from each other, which lines shall be projected to the left to intersect the vertical lines so as to form a voting space to the left of each name and of the following blank space or spaces. The titles of the offices and positions and the names of the candidates shall be printed in type uniform in style and size with that prescribed by law for the official ballot used at the general election. The names of the candidates for nomination for offices shall precede in order the names of candidates for other positions, and if the ballot contains more than one column they shall be in the column to the left. Sample ballots equal to twenty-five per centum of the number of official ballots shall also be provided for every election district for which official ballots are required to be provided. Such sample ballots shall be printed on paper of a different color from the official ballot, and in all respects precisely similar to the official ballots. One of such sample ballots shall, at any time on the day of the primary election, be furnished upon application to any elector entitled to vote at that polling place before receiving his official ballot. The official ballot when delivered by the inspectors to the elector shall be folded in such a manner that the words printed on the outside thereof and none of the printed matter on the inside shall be visible. The elector shall, on retiring into one of the

booths of the polling place, indicate his choice of candidates by marking with a pencil having black lead, a cross (X) mark in the voting space to the left of the names of the candidate for whom he desires to vote. Any other mark on the ballot except the writing in the blank space provided for that purpose of the name of a person not already on the ballot for that office or position, or any erasure, shall invalidate the ballot. On leaving the booth the elector shall cast his vote by delivering to one of the inspectors the said ballot folded so that the words printed on the outside thereof and none of the written or printed matter on the inside shall be visible. If any elector shall claim that he has by mistake defaced or marked his ballot so that it may not be identified, he shall on delivery of such spoiled ballot be entitled to one additional ballot, but no more. No official ballot shall be taken from the polling place prior to the completion of the canvass. On the canvass of the votes the ballots shall be unfolded by the chairman of the board of primary inspectors and the board of inspectors shall forthwith proceed to determine the number of votes cast for each candidate by counting the number of cross-marks made in the voting spaces opposite his name. A plurality vote shall determine the choice of candidates. At the close of the polls the unvoted official ballots shall then be deposited in the ballot box for unvoted ballots, which shall then be locked and sealed and delivered to the same officer who received the voted ballots and kept for the same length of time and disposed of in the same way. No ballots other than the official ones shall be used or voted at primary elections held pursuant to section twelve. If a nomination made as provided in section twelve of this act be declined, or a candidate so chosen dies before election, or is found to be disqualified to hold the office for which he is nominated, the vacancy may be filled either by a committee chosen for that purpose at the said primary election, or if such committee be chosen, by the members of the general committee residing with the district for which such candidate was chosen. Provided however that the provisions of this section shall not be applicable to the additional official primary day to be held in years when a president and vice-president of the United States are to be elected, nor to the first of the two primary days held in any county having one million inhabitants or over in each even numbered year and in each odd numbered year in which officers of the state other than members of the legislature are to

be elected. If any of the provisions of the primary election law or the election laws are inconsistent with the provisions hereof, they shall be deemed to be superseded by the provisions hereof in so far as is necessary to carry out the provisions of this act. The ballots, pencils for the booth at the polling places and stationery and printing required by the provisions of this act shall be provided, printed and paid for by the same officers and in the same manner as ballots provided for general elections, pursuant to the provisions of the election law.

§ 3. For the purpose of providing for the payment of the expenses made by the provisions of this act a public charge for the year nineteen hundred and seven, the boards or bodies empowered by law to raise by taxation and to apportion public moneys for cities having three million inhabitants or over are hereby authorized, empowered and directed to issue revenue bonds in the manner provided by law to meet current expenses and in anticipation of the collection of taxes to such an amount as may be necessary; from the proceeds thereof shall be paid the amount necessary to pay the expenses made by this act a public charge for the year nineteen hundred and seven. The amount of such bonds shall be included in the final estimate of the amount to be raised in said cities of which said counties are a part, by taxation for the next ensuing year.

§ 4. This act shall take effect immediately.

To the Honorable, the Senate and Assembly of the State of New York:

Gentlemen.—Before final action is taken on Assembly Bill 1729, entitled:

“AN ACT to provide for a judicial recount and recanvass of the votes cast for the office of mayor at the election of the seventh of November, nineteen hundred and five, in all cities of the first class in which the ballots have been preserved,”

permit me to say that because of my personal interest in the subject matter of this bill I declined to conduct the public hearing provided for by the Constitution and Laws of the State. The hearing was conducted by the acting mayor of the city, of whose action you will be duly advised by him.

I shall not, therefore, discuss the reasons which would have guided me in acting on this bill if I had been free to consider it apart from the personal element. I do feel an obligation to point out to your honorable bodies the extreme injustice of this measure to me as an individual. I base my objection on two grounds:

1. Upon the inherent unfairness of the bill itself;
2. Upon the injustice of reopening a contest which has been deliberately prolonged by a contestant for his personal advantage, in which each of his claims has been successively proven false, and in which he himself has alone been responsible for deliberately throwing away the opportunity for a speedy recount, while such a recount was possible.

It must be clear to any one who understands the machinery of an election that Mr. Hearst's rights were fully protected. He had his watchers on election night in every district in the city. They had full opportunity to protest such ballots as they desired. As a matter of fact, they did protest thousands of my votes, all of which, as I shall subsequently show, were afterward passed upon by the supreme court. As to those ballots which they did not protest at that time, it is a fair presumption, and a legal presumption, that they were honestly counted.

This bill is on its face dishonest and unfair. It fails to provide for a full recount and recanvass of all the ballots cast in the mayoralty election. It generously allows the defeated candidate to pick such districts as he may desire. He may ask for a recanvass in ten districts, in a hundred or in a thousand, as he may deem it advantageous to his own interest. On the other hand, I, as the successful candidate, am denied the right of asking a recanvass in a single one of the remaining districts. I say I am denied this right, because the bill provides that an applicant must present his petition to the court within twenty days after the passage of the act, and at the same time must file a bond for all costs, as a guarantee that the result of the election will be changed. In other words, unless I apply for a recanvass, and give a bond that I will not only lose my office, but will also pay all the costs and expenses of the litigation if I do not, I cannot have a full recanvass of the vote. How can I act upon the assumption that I will lose my office? Certainly I do not expect to do so. Therefore the bill prevents me from taking any action to protect my rights. I cannot conceive of a more cunningly contrived scheme to prevent what the contestant contends that he wants, namely, a recanvass of all the votes.

It is easy to see the danger and injustice involved in a partial recanvass of the vote. Let us assume that my late opponent will seek a recanvass of the vote in five hundred of the election districts which gave me my greatest pluralities. This would require the recanvass of more than one hundred and fifty thousand ballots. It is possible that a close inspection by the courts, ruling on technicalities, would show that ten or perhaps fifteen thousand of these ballots were technically defective. The letter of our election law is exceedingly strict in regard to the manner of marking a ballot, and in all probability in every election thousands of ballots are counted in all honesty for both sides which would fail to stand a rigid test as to their validity. It should be remembered also that marks are frequently made by the inspectors and the poll clerks on the ballots during the process of counting and checking up the votes after election, and this fact might now render defective hundreds of ballots which, when they were cast, were valid in every respect. If, then, such a recanvass is to be made only in the districts where my vote is largest, and many votes are to be thrown out on technical grounds, it is obvious that my loss will be greater than my opponent's. That is, if my total vote in those districts is to my opponent's as two is to one, thus for every vote lost by the contestant through a technicality, I shall lose two, for a mathematical equation holds true even in the fairest of elections. By continuing this process through all the districts where I received substantial pluralities, and avoiding the districts where my opponent received his largest vote, it can readily be seen that my total plurality might be seriously threatened, if not overcome. Is this jugglery to be sanctioned by the law?

Logically, a recanvass in those districts which gave my opponent his largest pluralities would in like manner proportionately diminish his total vote. But this bill forbids me to ask for such a recanvass, for it provides that no application for a recanvass shall be made after twenty days from its enactment. It allows my opponent to go as far as he desires, and no farther, and denies to me the right of rebuttal.

I am estopped from proving that as many or more ballots about which it is possible to raise a technical question, were counted for my opponent as were counted for me. In short, such a law as this makes it possible to overturn the squarest and fairest election ever held, provided only that the plurality is small enough to make the attempt worth while.

It amounts to a declaration that in the future a successful candidate must have from twenty-five thousand to fifty thousand plurality, to be safe from attack, provided his opponent is rich enough to carry on an agitation for a recount. Is this the fair count which has been recommended by the governor? To me it seems a deliberate attempt to throw the whole matter into new and utter confusion. If it is the purpose of the state government to provide a law by which an honest plurality may be set aside, to encourage endless litigation, and to aggravate this controversy instead of ending it, the bill should become a law. But if law and order are to be upheld, and the rights of elected officials are to be protected from unfair attacks, then, in the event that this bill shall not be accepted on behalf of the city of New York, I ask you to sustain the acting mayor.

Out of the mass of statements circulated by my opponent immediately after the election, there were three claims, and only three, worthy of any attention. First, that the official count had been falsified after the original tallies had been made up, and that an inspection of the tally sheets would prove that deliberate errors had been committed which, when corrected, would seat Mr. Hearst as mayor. Second, that a majority of the ten thousand ballots which had been set aside as void or protested, had been validly cast for Mr. Hearst, and that an examination of the ballots by the courts would result in the counting of these votes for Mr. Hearst, and establish his election. Third, that the opening of the ballot boxes themselves would disclose that more votes had been cast for Mr. Hearst than for me.

His first claim was quickly proven false. On the first opportunity, acting through my counsel, I joined in his request to the court for the production of the original tallies, which were then submitted to the official canvassers. Their examination, although revealing many innocent discrepancies such as must occur in every election, some of them benefiting my opponent, and some of them benefiting me, disclosed not the slightest evidence of intentional wrong-doing, and left my plurality substantially unchanged.

His second claim was disproved as completely as his first. I again seconded his request for an examination of the void and protested ballots, and after a long and protracted proceeding in the supreme court, the result of the examination was to leave the totals of our votes practically unaltered.

Having thus failed to prove any fraud or wrong-doing by these two attempts, my opponent was forced to fall back on his third claim. He applied to the court for an order directing the opening of ballot boxes and the general recount of the vote therein. His first application was limited to the opening of five boxes, but he also gave notice of similar motions in eight hundred election districts.

The granting of this motion would have involved a proceeding of long duration, and would have prevented the organization of a city government on January first, nineteen hundred and six. Therefore, I felt it my duty to offer opposition. But after such an order had been granted I publicly announced that I had instructed my counsel to take no appeal from that order, and would consent to a recount of the votes. Accordingly the five boxes were produced in court, and the recount was begun. The count of the first three boxes showed a net gain for my opponent of seventeen. The count of the fourth box agreed exactly with the official figures, while the fifth box was never opened, because Mr. Hearst's counsel desisted then and there from continuing the proceeding. In other words, on that Friday afternoon, December first, nineteen hundred and five, with conceded opportunity to push a recount through to a conclusion, Mr. Hearst, through his counsel, forever abandoned his attempt to obtain a simple and impartial recount. The reason for this step is easily discovered. He had taken for his test five representative election districts where my vote was the largest. A comparison of the tally sheets with the official count had indicated slight discrepancies which might benefit my opponent, and if any fraud had been done it seemed reasonable it would be disclosed in these boxes. It was evident then that that recount would show no change in the final result, and that his third claim was as unsound as his other two.

Such a recanvass as he then sought, and was denied by the courts, would have occupied so much time that no one could fairly say when it would end. In the meantime there would have been chaos in the city government. The board of elections had been enjoined by the courts from issuing a certificate to me until the termination of the contest. Had a recanvass such as my opponent sought been allowed, it is impossible to say what would have happened after January 1, 1906. Some asserted that I could act as a holdover mayor, while others denied my right to

do so. The office of comptroller was contested as well as that of mayor, and the identity of the chief financial officer was thus left in doubt. A long continuance of such a situation would have proved intolerable.

It would have been impossible to have planned a single public improvement, or to have sold a city bond. It would have been impossible to persuade competent officials to accept office under the administration, and it would have been impossible to remove those who failed. Was it my duty to acquiesce in such a condition? It seems to me that I should have been false to my oath of office if I had done so. In the position that I took I was sustained by the court of appeals, which said that Mr. Hearst's remedy rested in quo warranto proceedings. In that litigation 10,000 ballots had been actually recanvassed by the courts, 1,200 more had been recounted, with the result that my plurality finally stood 3,474, according to Mr. Hearst's own figures, or about the same that was credited to me by the Associated Press immediately after the election.

At every step of this contest I have willingly conceded to my opponent everything to which he was entitled under the law, but I have consistently contested every attempt to go outside and beyond the law, to his personal advantage. It is a controversy that has been misrepresented and misunderstood from the beginning. Few seem to have realized how completely Mr. Hearst's claims were demolished in the early stages of the contest, and how he himself appealed from the order granting him a recount. Few seem to have appreciated that Mr. Hearst, neither in his original contest or by means of proposed legislation such as this bill, has ever sought a recount or recanvass of the whole vote, but has continually aimed at a partial recanvass of those districts where I received my pluralities.

The governor has stated more than once that the granting of a recount was a simple act of justice. May I ask what evidence he has that injustice has ever been done? Is it not his plain duty, not only to me, but to all citizens of New York, if he has such evidence, to disclose it? For my part I have been unable to discover the slightest evidence of wrong-doing. As far as I can see, the whole foundation for my opponent's claim rests upon the wild and reckless statements spread by his newspaper for political purposes. I am aware that constant iteration

often causes honest men to believe in false charges, but does this constitute a reason for invoking the machinery of the state government to aid him in continuing his campaign of misrepresentation?

This bill will not permit the introduction of evidence to show that the ballots are or are not in the same condition as they were when the canvass was made. What guarantee did the legislature have that the boxes had not been tampered with? The ballots themselves were subjected to many kinds of markings by the canvassers on election night. When they had closed their count, and that count was undisputed by any of the watchers present, it is a fair presumption that they did not give the ballots that same care that they might have paid them, had they known that twenty months later it would be proposed to recount them.

There is another phase of the question which I am reluctant to take up, but which must be faced. That is the enormous and prohibitive cost with which I, the legally elected mayor, am to be personally burdened if I desire to protect my rights in this contest. If the contestant should demand a recanvass of the vote in one thousand election districts, each district is a separate proceeding, and all can be carried on simultaneously. The cost of being represented by counsel at each of these proceedings is an item which any other than a very rich man must seriously consider when aspiring for public office, if legislation of this sort is to prevail. Is it a simple act of justice to drive an official out of office at the instance of a man whose financial resources are unlimited?

My duty has been clear to me from the beginning. To allow every opportunity for full investigation of the charges of my adversary, as far as I could conscientiously permit, but to fight every attempt to permit litigation for the purpose of disorganizing the city government. The charge that I, for the purpose of holding my office, was willing to conceal a fraud, seemed to me so far beneath contempt as to be unworthy of my attention. It would have been easy for me, had I considered only my own political future, to have cast law and order to the winds, and to have yielded to every demand of my opponent. But if I had done this, if I had consented to sacrifice an orderly city government to further my personal ambition, I would have been false

to my oath of office, and false to every duty that I owed to the people of this city.

If this fight of mine results in establishing the precedent that once the verdict of the people has been properly registered at the polls, it is a final verdict, I am content, whatever the cost may be to me personally. If this precedent be not established, I fear for the security of our elections in the future. If the vote for mayor can be recanvassed twenty months after the election, why not the vote for governor or for president?

I agree with the governor that in a question of this kind the identity of the candidates is a matter of small moment. I disagree with him, however, in his contention that it is more important to quiet agitation aroused by an unsuccessful candidate by means of special legislation than it is to enforce obedience to and acquiescence in the law.

It has been to my political disadvantage to have followed the course which I have taken. It has been to my political disadvantage to have performed what I believed to be my sworn duty, to have preserved law and order in this city for the past year and a half. For taking that course, however, I feel no regret, and I offer no apology.

Respectfully,

GEO. W. McCLELLAN.

New York, June 6, 1907.

(No. 49.)

AN ACT making appropriations for certain expenses of government and supplying deficiencies in former appropriations.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The treasurer shall pay, on the warrant of the comptroller, from the several funds specified, to the persons, and for the purposes indicated in this act, the amounts named or so much

thereof as shall be sufficient to accomplish, in full, the purposes designated by the appropriations, which several amounts are hereby appropriated out of any moneys in the treasury not otherwise appropriated. No warrants shall be issued, except in cases of salaries, until the amounts claimed shall have been audited and allowed by the comptroller, who is hereby authorized to determine the same, upon vouchers presented as required by section twelve of the state finance law. Whenever an appropriation shall have been provided otherwise the sum herein directed to be paid shall not be considered as an addition to such other appropriation unless it shall be expressly so declared in this act.

FROM THE GENERAL FUND.

EXECUTIVE DEPARTMENT.

The sum of two thousand four hundred seventy-two dollars and thirty-three cents (re. \$2,472.33) being the unexpended balance of appropriations made by chapter six hundred ninety-nine, laws of nineteen hundred five, and chapter six hundred eighty-three, laws of nineteen hundred six, for repairs, furniture and incidental expenses of the executive mansion and rent of stable, is hereby reappropriated for the incidental expenses of the executive mansion, including rent of stable and equipage, from January first, nineteen hundred seven, to be paid on the certificate of the governor.

The sum of one thousand dollars (re. \$1,000), being a portion of the unexpended balance of the appropriation made by chapter six hundred eighty-three, laws of nineteen hundred six, for postage and expenses of transportation of all letters, official documents or other matters sent by express or freight, including boxes or covering for same, is hereby reappropriated for necessary expenses, including binding, printing, stationery, traveling and other incidental expenses and for the payment of notarial clerks and expenses of notarial department, and in addition the sum of one thousand dollars (\$1,000) is hereby appropriated for the same purpose.

For the keeper and recorder of legislative bills, from January first to October first, nineteen hundred seven, to which position the military secretary may be assigned, one thousand one hundred twenty-five dollars (\$1,125), or so much thereof as may be necessary.

For printing the state papers of the governor for the year nineteen hundred six, eight hundred dollars (\$800), or so much thereof as may be necessary.

For the compensation and expenses of persons employed in the examination of bills of the legislative session of nineteen hundred seven, five thousand dollars (\$5,000), or so much thereof as may be necessary, to be paid on the certificate of the governor.

For furnishing steel filing cases for books, papers and records in the executive chamber, and for other repairs, under the direction of the superintendent of public buildings, and state architect, with the approval of the governor, ten thousand five hundred dollars (\$10,500), or so much thereof as may be necessary.

For completing the preparation of an annotated edition of the governors' messages as provided by chapter seven hundred, laws of nineteen hundred five and chapter six hundred eighty-six, laws of nineteen hundred six, five thousand dollars (\$5,000), to be paid on the certificate of the governor.

For compensation of persons appointed to examine and investigate the departments, boards, bureaus and commissions of the state, and for expenses necessarily incurred in the examinations or investigations of such departments, boards, bureaus and commissions, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

JUDICIARY.

COURT OF APPEALS.

For necessary expenses of the clerks of the judges of the court of appeals, the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, to be paid upon vouchers approved by the judge in whose service such expenses are incurred.

For renovating and preserving the oil portraits and regilding frames in the court room and ante-rooms of the court of appeals, one hundred fifty dollars (\$150), or so much thereof as may be necessary, to be paid on vouchers certified by a judge of the court of appeals.

For the payment of expenses incurred pursuant to section two hundred three of the code of civil procedure by the justices of the supreme court assigned to serve as judges of the court of appeals, three hundred seventy-five dollars (\$375), or so much thereof as may be necessary.

SUPREME COURT.

The sum of two thousand two hundred eighty-three dollars and thirty-four cents (re. \$2,283.34), being a portion of the unexpended balance of an appropriation made by chapter six hundred eighty-six, laws of nineteen hundred six, for the payment of two typewriter operators appointed pursuant to chapter one hundred thirty-seven, laws of nineteen hundred six, is hereby reappropriated for the payment of such compensation for the fiscal year ending September thirtieth, nineteen hundred eight.

For the deficiency in appropriations for the salaries and expenses of the justices of the supreme court, for the fiscal year ending September thirtieth, nineteen hundred seven, eighty-eight thousand seven hundred twenty-four dollars and ninety-three cents (\$88,724.93), or so much thereof as may be necessary.

For compensation of confidential clerks to resident trial justices of the supreme court in the ninth judicial district, to September thirtieth, nineteen hundred seven, six thousand seven hundred fifty dollars (\$6,750), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter six hundred ninety-six, laws of nineteen hundred six.

For compensation of a case and consultation clerk of the appellate division, second department, to September thirtieth, nineteen hundred seven, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary, to be refunded to the treasury pursuant to chapter eighty-eight, laws of nineteen hundred seven.

For deficiency in appropriation for additional compensation for the fiscal year ending September thirtieth, nineteen hundred seven, for the justices of the supreme court residing in the territory formerly composing the second judicial district, not residing in the county of Kings, namely, those residing in the present second and ninth districts outside of said county, pursuant to chapter seven hundred sixty-five, laws of eighteen hundred sixty-eight, as amended by chapter one hundred twenty-six, laws of eighteen hundred eighty-three and chapter one hundred thirty-one, laws of eighteen hundred ninety-eight, thirty-eight thousand six hundred twenty-five dollars (\$38,625), or so much thereof as may be necessary, to be refunded to the treasury pursuant thereto.

For deficiency in appropriation for compensation to September thirtieth, nineteen hundred seven, of stenographers, residing in the counties composing the present second and ninth judicial dis-

tricts appointed under chapter seven hundred sixty-five, laws of eighteen hundred sixty-eight, as amended by chapter one hundred fourteen, laws of eighteen hundred ninety-four, eight thousand sixty-two dollars and fifty cents (\$8,062.50), or so much thereof as may be necessary, to be paid only from the moneys which shall have been or shall be paid into the treasury for taxes levied for the purpose of said acts and in pursuance thereof.

For Julia B. Childs, widow of the late Henry A. Childs, justice of the supreme court for the eighth judicial district, who died May sixteenth, nineteen hundred six, four thousand four hundred ninety dollars and seventy-two cents (\$4,490.72), being the amount of the annual compensation of said justice for the calendar year nineteen hundred six, which would have been earned by him had he continued to live until the close of that year and serve as such justice.

For Ellen B. Forbes, widow of the late Gerrit A. Forbes, justice of the supreme court for the sixth judicial district, who died September twenty-second, nineteen hundred six, one thousand eight hundred dollars (\$1,800), being the amount of the annual compensation unpaid of said justice for the calendar year nineteen hundred six, which would have been earned by him had he continued to live until the close of that year and serve as such justice.

COURT OF CLAIMS.

For salaries of the judges of the court of claims, for the fiscal year ending September thirtieth, nineteen hundred seven, six thousand six hundred dollars (\$6,600), or so much thereof as may be necessary.

For deficiency in the salary of the deputy clerk for the fiscal year beginning October first, nineteen hundred seven, five hundred dollars (\$500), or so much thereof as may be necessary.

STATE REPORTER.

For expenses of moving office and for furnishing new office, one hundred sixty-eight dollars and fifty cents (\$168.50) and for deficiency in rent of new office from May first to September thirtieth, nineteen hundred seven, sixty-two dollars and fifty cents (\$62.50).

SUPREME COURT REPORTER.

For clerk hire and additional assistants from June first to October first, nineteen hundred and seven, in addition to the sums
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heretofore appropriated, two hundred fifty-four dollars and fifty cents (\$254.50) and for expenses of moving office, seventy-five dollars (\$75).

MISCELLANEOUS REPORTER.

For deficiency in appropriation for assistance, clerk hire, obtaining copies of opinions and office expenses for the fiscal year ending September thirtieth, nineteen hundred seven, one thousand three hundred dollars (\$1,300), or so much thereof as may be necessary.

LIBRARIES.

For the court of appeals library at Syracuse, for the purchase of books and necessary rebinding of books belonging to said library, and for supplying deficiencies in former appropriations for said purposes, one thousand dollars (\$1,000), to be paid on vouchers approved by the presiding justice of the appellate division of the fourth department.

For the supreme court library at Elmira, for the purchase of books and necessary rebinding of books belonging to said library, and for supplying deficiencies in former appropriations for said purposes, one thousand five hundred dollars (\$1,500), to be paid on vouchers certified by a majority of the trustees having charge of said library.

For the additional salary of the librarian of the fourth appellate division law library, pursuant to chapter one hundred eighty-six, laws of nineteen hundred seven, for the remainder of the fiscal year, four hundred twelve dollars and fifty cents (\$412.50), or so much thereof as may be necessary.

LEGISLATURE.

The sum of twelve thousand six hundred sixteen dollars and seventy-one cents (re. \$12,616.71), being the unexpended balance of the appropriation made by chapter seven hundred one, laws of nineteen hundred five, for the payment of the expenses of the joint committee of the senate and assembly of nineteen hundred five to investigate and examine into the organization and operation of gas and electric lighting companies of the city of New York, and the sum of eight thousand one hundred dollars (re. \$8,100), being the unexpended balance of the appropriation made by chapter two, laws of nineteen hundred six, for printed

copies of the testimony of the joint committee of the legislature of nineteen hundred five, appointed to investigate the affairs of life insurance companies, are hereby reappropriated for postage, expenses of committees, compensation of witnesses, legislative manual, clerk's manual, indexing the bills, journals and documents of the senate and assembly and other contingent expenses of the legislature, together with twenty thousand dollars (\$20,000), in addition thereto or so much thereof as may be necessary.

For the lieutenant-governor, for extra stenographic and clerical services, five hundred dollars (\$500).

For the speaker of the assembly, for extra stenographic and clerical services, five hundred dollars (\$500), or so much thereof as may be necessary.

For the clerks of the senate and assembly, for the use of the senate and assembly, for file boards, index clerk's books, committee books, stationery and supplies, clerical and stenographic services, compensation of per diem employees of the senate and assembly for the legislative session of nineteen hundred seven in addition to the salaries or compensation fixed by statute, printing, revising the clerk's manual, books and blanks, care of bills and documents, law books for the senate and assembly libraries, and such as may be ordered by resolution, and for other contingent expenses of the senate and assembly, twenty-four thousand five hundred dollars (\$24,500), or so much thereof as may be necessary.

For deficiency in the appropriation for the compensation and mileage of the members and officers of the legislature for the fiscal year ending September thirtieth, nineteen hundred seven, seventy-eight thousand dollars (\$78,000), or so much thereof as may be necessary.

For Patrick H. Bird, for personal expenses and counsel fees incurred in the contest by William E. Ryan for the seat of the ninth assembly district of the county of New York, in nineteen hundred six, one thousand dollars (\$1,000), to be paid upon the approval of the chairman of the committee on privileges and elections of that year.

For John C. Hackett, for personal expenses and counsel fees incurred in the contest by Joseph B. Traut for the seat of the thirteenth assembly district of the county of New York, in nineteen hundred six, two thousand five hundred dollars (\$2,500),

to be paid upon the approval of the chairman of the committee on privileges and elections of that year.

For John T. Eagleton, for personal expenses and counsel fees incurred in the contest by George S. Huseh for the seat of the third assembly district of the county of New York, in nineteen hundred six, three thousand dollars (\$3,000), to be paid upon the approval of the chairman of the committee on privileges and elections of that year.

For George Schwegler, for personal expenses and counsel fees incurred in the contest by Moses Carl Levine for the seat of the twenty-eighth assembly district of the county of New York, in nineteen hundred six, two thousand five hundred dollars (\$2,500), to be paid upon the approval of the chairman of the committee on privileges and elections of that year.

For William H. Burns, for personal expenses and counsel fees incurred in the contest by David Goldstein for the seat of the fourth assembly district of the county of New York, in nineteen hundred six, two thousand five hundred dollars (\$2,500), to be paid upon the approval of the chairman of the committee on privileges and elections of that year.

For J. Sidney Bernstein, for personal expenses and counsel fees incurred in the contest by William C. Reddy for the seat of the thirty-first assembly district of the county of New York, in nineteen hundred six, two thousand seven hundred fifty dollars (\$2,750), to be paid upon the approval of the chairman of the committee on privileges and elections of that year.

For Michael J. Grady, for personal expenses and counsel fees incurred in the contest by Thaddeus P. Hyatt for the seat of the seventh assembly district of the county of Kings, in nineteen hundred six, three thousand dollars (\$3,000), to be paid upon the approval of the chairman of the committee on privileges and elections of that year.

For Meyer Nussbaum, for services and disbursements as counsel to the committee on privileges and elections in nineteen hundred six, pursuant to a resolution of the assembly, adopted January eleventh, nineteen hundred six, ten thousand dollars (\$10,000), to be paid upon the approval of the chairman of the committee on privileges and elections of that year, provided said Nussbaum shall file with the comptroller a receipt in full for his services and disbursements as such counsel.

For Sherman Moreland, for personal expenses and counsel fees incurred in the contest by John Deneen for the seat of the assem-

bly district of the county of Chemung, in nineteen hundred seven, three thousand dollars (\$3,000), to be paid upon the approval of the chairman of the committee on privileges and elections.

For George A. Voss, for personal expenses and counsel fees incurred in the contest by William Keegan for the seat of the ninth assembly district of the county of Kings, in nineteen hundred seven, two thousand five hundred dollars (\$2,500), to be paid upon the approval of the chairman of the committee on privileges and elections.

For Jasper E. Smith, for services and disbursements as counsel to the committee on privileges and elections, in nineteen hundred seven, three thousand five hundred dollars (\$3,500), to be paid upon the certificate of the chairman of the committee on privileges and elections of that year, provided said Smith shall file with the comptroller a receipt in full for his services and disbursements as such counsel.

For the legislative bill drafting department, for the preparation of the session indices and digests for the legislative session of nineteen hundred seven, three thousand four hundred dollars (\$3,400), or so much thereof as may be necessary, to be paid upon the certificate of the temporary president of the senate and the speaker of the assembly.

SECRETARY OF STATE.

For the payment of the inauguration expenses, of nineteen hundred seven, two thousand three hundred eighty dollars and thirty cents (\$2,380.30), or so much thereof as may be necessary.

For clerk hire, purchase of seals and badges, printing and other necessary expenses for the enforcement of the motor vehicle law, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For binding enumerators' schedules of the enumeration of nineteen hundred five and the tabulations therefrom, eight hundred dollars (\$800), or so much thereof as may be necessary.

For temporary clerk hire, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For one employee of the seventh grade from January first to April first, nineteen hundred seven, three hundred seventy-five dollars (\$375).

COMPTROLLER.

The sum of one thousand dollars (re. \$1,000), being a portion of the unexpended balance of the appropriation made by chapter

five hundred ninety-nine, laws of nineteen hundred three, and reappropriated by chapter seven hundred, laws of nineteen hundred five, for the compensation and expenses of counsel employed by him in legal actions or proceedings, and for expert services in the investigation of tax matters, is hereby reappropriated for the same purposes.

The sum of one thousand dollars (re. \$1,000), being part of the unexpended balance of appropriations made by chapter six hundred ninety-nine, laws of nineteen hundred five, for services of employees in the comptroller's office, is hereby reappropriated for additional or temporary service in said office.

The sum of one thousand nine hundred nineteen dollars and seventy-two cents (re. \$1,919.72), being the unexpended balance of an appropriation made by chapter six hundred ninety-nine, laws of nineteen hundred five, for protecting and perfecting the state's title to lands, is hereby reappropriated for the same purpose.

The sum of one thousand dollars (re. \$1,000), being part of the unexpended balance of an appropriation made by chapter six hundred ninety-nine, laws of nineteen hundred five, for the salary of the comptroller is hereby reappropriated for postage and transportation of letters, official documents and other matter sent by express or freight including boxes or covering for same.

The sum of one thousand five hundred dollars (re. \$1,500), being the unexpended balance of an appropriation made by chapter six hundred eighty-six, laws of nineteen hundred six, for the payment of an agent or agents and for their necessary expenses in the enforcement of the act to license and regulate the business of private detectives and detective agencies, is hereby reappropriated for the same purpose.

For deficiency in the appropriation for services and expenses of examiners, for detective service, for dies, plates and printing necessary for the manufacture of stamps and for books, binding, blanks and other necessary expenses of the stock transfer tax bureau, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

For the construction of steel cases for the care of maps in the land bureau, one thousand two hundred and fifty dollars (\$1,250), or so much thereof as may be necessary.

For supervision and examination of accounts of the several counties, cities of the second and third classes and incorporated

villages, pursuant to chapter seven hundred five, laws of nineteen hundred five as amended by chapter two hundred fifteen, laws of nineteen hundred seven, eight thousand dollars (\$8,000), or so much thereof as may be necessary.

For the services of employees in the bureau of highways from June first to October first, nineteen hundred seven, payable from the highway improvement fund; seventh grade, one employee, five hundred dollars (\$500); fifth grade, one employee, three hundred dollars (\$300), or so much thereof as may be necessary.

For deficiency in appropriation for advances to county treasurers on account of taxes on property of nonresidents and for taxes on state wild or forest lands, which may be returned to the comptroller's office, and for adjusting accounts of state taxes with counties, sixty thousand dollars (\$60,000), or so much thereof as may be necessary.

For deficiency in the appropriation for the fiscal year ending September thirtieth, nineteen hundred seven, for the salary and expenses of the examiner appointed by the governor pursuant to chapter four hundred fourteen, laws of eighteen hundred ninety-nine, to examine the books of the running associations, one thousand dollars (\$1,000), or so much thereof as may be necessary; for salaries and expenses of two examiners to examine the books of the trotting associations of the state, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary, to be paid from the funds collected from said associations.

For fees of surrogates in furnishing to the secretary of state copies of letters of administration and copies of wills probated in other states and subsequently filed in this state, as provided by section two thousand five hundred three, code of civil procedure, two hundred dollars (\$200), or so much thereof as may be necessary.

For the reimbursement of the several counties for the maintenance of county roads pursuant to chapter two hundred sixty-nine, laws of nineteen hundred three, fifty-seven thousand one hundred five dollars and thirty-two cents (\$57,105.32), or so much thereof as may be necessary.

For the payment of interest on temporary loans to meet legal demands on the treasury in pursuance of section fourteen of the state finance law, the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary.

For reimbursement of the appropriation for stationery for public offices, being for stationery furnished the secretary of state for the enumeration of nineteen hundred five, commission of water supply, gas and electricity commission, statutory consolidation commission and board of canal appraisers, nine hundred nineteen dollars and thirteen cents (\$919.13).

For the clearing and improvement of lands acquired by the state to commemorate the battle of Lake George, in Warren county, and for the construction of a structure or building on said battleground, six hundred forty-four dollars and sixty-seven cents (\$644.67), (being the unexpended balance of an appropriation made by chapter seven hundred twenty-nine, laws of nineteen hundred four, for certain expenses of said battleground).

For George Addington, to refund to him with interest, pursuant to section five of the public lands law, moneys paid by him for lands sold him by the state where title to the same has failed, one thousand one hundred thirty-four dollars and fifty cents (\$1,134.50), or so much thereof as may be necessary.

For the disbursements and expenses incurred by James K. Apgar as temporary receiver for the Equitable Savings Society, pursuant to an order of the supreme court of Kings county at special term, made on January nineteenth, nineteen hundred six and entered in the clerk's office of Westchester county, six hundred ten dollars (\$610) or so much thereof as may be necessary.

For the payment of assessments on state property for local improvements heretofore made, when approved by the comptroller, pursuant to section twenty of the public lands law, eight hundred twenty-seven dollars and sixty-seven cents (\$827.67), or so much thereof as may be necessary.

STATE ENGINEER AND SURVEYOR.

For the payment of work done and for continuing such work in cooperation with the United States geological survey in surveying and mapping the state of New York in the manner defined by chapter two hundred nineteen, laws of eighteen hundred ninety-eight, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For cooperation with the United States geological survey in hydrographic work connected with the measurements of volume of streams and flow of water in the state of New York, for the

purpose of determining the water supply available for canals and for potable and domestic uses, and the development of water power, one thousand and five hundred dollars (\$1,500), or so much thereof as may be necessary.

For surveys and maps for the use of the attorney-general in cases before the court of claims arising on account of the canals of the state, and for other expenses connected therewith, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary, payable from the canal fund.

For the supervision of the expenditure of moneys in towns under the money system, pursuant to sections fifty-five-c and fifty-five-d of the highway law, forty thousand dollars (\$40,000), or so much thereof as may be necessary.

For the maintenance and repair of improved highways, pursuant to chapter one hundred fifteen, laws of eighteen hundred ninety-eight, as amended by chapter four hundred sixty-eight, laws of nineteen hundred six, to become available on January first, nineteen hundred eight, one hundred thousand dollars (\$100,000), or so much thereof as may be necessary.

For postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, five hundred dollars (\$500), and for furniture, books, binding, blanks, printing messages and other necessary incidental office expenses, five hundred dollars (\$500), or so much thereof as may be necessary.

For salaries and actual and necessary expenses of a chief bridge designer and inspector and the necessary assistants, draughtsmen and supplies, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For deficiency in the salary of the deputy state engineer and surveyor for the fiscal year beginning October first, nineteen hundred seven, one thousand dollars (\$1,000).

For the reimbursement of the town of Chili, Monroe county, for one-half of the expense heretofore charged upon said town for the extraordinary repairs made during the years nineteen hundred four and nineteen hundred five by the state engineer and surveyor upon sections one and two of the Scottsville road and section one of the Clifton road in said town, four thousand four hundred thirteen dollars and sixteen cents (\$4,413.16), or so much thereof as may be necessary.

DEPARTMENT OF EDUCATION.

For repairs, renewals and betterments of buildings, equipment, fixtures, furniture, and such additional accommodations in the state normal schools as may be necessary, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For repairs and improvements of school buildings and the purchase of necessary supplies for the Indian schools on the Allegany and Cattaraugus, Onondaga, Tonawanda, Tuscarora, Saint Regis, Shinnecock and Poospatuck Indian reservations, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For the transportation, maintenance and support of Indian truants committed to institutions for truants, pursuant to the provisions of section nine, chapter four hundred twenty-four, laws of nineteen hundred four, five hundred dollars (\$500), or so much thereof as may be necessary.

For field operations of the director of the science division and his assistants, in geology, paleontology, entomology and archeology, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For medical examinations, payable only from fees collected pursuant to statute for such examinations, nineteen thousand dollars (\$19,000), to be expended as follows:

For the salary of the secretary of the state board of medical examiners, to June first, nineteen hundred seven, one thousand two hundred fifty dollars (\$1,250).

For expenses of medical examinations, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary.

For apportionment to state boards of medical examiners whose terms of office expire July thirty-first, nineteen hundred seven, nine thousand dollars (\$9,000) to be divided pro rata according to the number of candidates whose answer papers have been marked by each.

For the salary of the secretary of the state board of medical examiners for the year beginning June first, nineteen hundred seven, pursuant to chapter three hundred forty-four, laws of nineteen hundred seven, four thousand dollars (\$4,000).

For expenses of dental examinations, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, and for the payment of the surplus to the state dental society as provided in chapter two hundred fifteen, laws of nineteen hundred one and amendments thereto, six thousand dollars (\$6,000), or so much thereof as may be necessary, payable only from fees collected for such examinations.

For expenses of the veterinary examinations, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, two hundred dollars (\$200), or so much thereof as may be necessary, and for apportionment on the basis provided in chapter six hundred sixty-one, laws of eighteen hundred ninety-three and the amendments thereto, two hundred dollars (\$200), or so much thereof as may be necessary, payable only from fees collected for such examinations.

For expenses of examinations of certified public accountants pursuant to chapter three hundred twelve, laws of eighteen hundred ninety-six, including postage, express, parchment for licenses, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations, nine hundred dollars (\$900), or so much thereof as may be necessary, payable only from fees collected for such examinations.

For expenses of examination of registered nurses, pursuant to article twelve of the public health law, including postage, express, parchment for certificates, printing, engraving, supplies, traveling expenses of examiners, rooms for holding examinations, and services of persons temporarily employed to conduct such examinations, three thousand eight hundred dollars (\$3,800), or so much thereof as may be necessary, payable only from fees collected for such examinations.

For a new schoolhouse upon the Onondaga Indian reservation, six thousand dollars (\$6,000), and for the apparatus and materials for beginning industrial training in the school upon said reservation, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the necessary expenses of three summer institutes to be held at Chautauqua, Thousand Island Park and Cliff Haven, five thousand dollars (\$5,000).

For determining what deposits of iron ore exist within the state of New York and the extent and availability thereof, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For repairing library elevator under the charge of the education department, one thousand dollars (\$1,000), or so much thereof as may be necessary.

TRUSTEES OF PUBLIC BUILDINGS.

For beginning the construction of the new state education building pursuant to chapter six hundred seventy-eight, laws of nineteen hundred six, one million five hundred thousand dollars, (\$1,500,000), payable on the certificate of the governor, of which one hundred thousand dollars (\$100,000) shall be available immediately, four hundred thousand dollars (\$400,000) on October first, nineteen hundred seven and the remainder on March first, nineteen hundred eight, and from which may also be paid any deficiency in the appropriation made by said chapter for acquiring the site for the building and the expenses incidental thereto. The trustees of public buildings are hereby authorized to enter into contract for the erection and completion of said building, upon terms believed by said trustees to be most advantageous to the state at a total cost of not more than three million five hundred thousand dollars (\$3,500,000) for the building exclusive of the site therefor.

DEPARTMENT OF AGRICULTURE.

For enforcing the provisions of article four of the agricultural law, relating to the diseases of domestic animals, fifty thousand dollars (\$50,000).

For the purpose of enforcing the provisions of article eleven of the agricultural law, relating to the adulteration and misbranding of food, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For expenses of the field work in enforcing the provisions of articles nine and twelve of the agricultural law, relating to concentrated commercial feeding stuffs and commercial fertilizers, two thousand seven hundred dollars (\$2,700), or so much thereof as may be necessary.

For the investigation and extermination of San Jose scale and other dangerously infectious or contagious insect pests, in addition to the sums heretofore appropriated for that purpose, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

For reimbursing William H. Crawford, of the town of Stockholm, county of Saint Lawrence, for expenses incurred by him from October thirteenth, nineteen hundred four, to July twelfth, nineteen hundred and five, in caring for cattle quarantined by order of the commissioner of agriculture, eight hundred sixty-two dollars and fifty cents (\$862.50) or so much thereof as may be necessary.

For collecting and disseminating information relative to agricultural labor within the state as provided by article fourteen of the agricultural law, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

For Charles W. Larmon, for services rendered in connection with the bureau of information and statistics for the month of September, nineteen hundred five, one hundred and twenty-five dollars (\$125).

For Henry H. Kracke for compensation for extra services and expenses as butter expert in the metropolitan district, five hundred dollars (\$500).

For the expenses incurred by delegates to the farmers' national congress, five hundred dollars (\$500), or so much thereof as may be necessary.

For the continuation and extension of farmers' institutes, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For deficiency in the appropriation for distribution to the growers of sugar beets, during the season of nineteen hundred six, or their assignees or legal representatives, whose names have been filed with the commissioner of agriculture, pursuant to article five of the agricultural law and amendments thereto, forty-one thousand four hundred forty-four dollars and six cents (\$41,444.06), or so much thereof as may be necessary.

For distribution to growers of sugar beets during the season of nineteen hundred seven, as provided by article five of the agricultural law and acts amendatory thereof, fifteen thousand dollars (\$15,000), or so much thereof as may be necessary.

For apportionment to agricultural fairs under the provisions of section eighty-eight of the agricultural law, two hundred seventy-

three thousand five hundred dollars (\$273,500), or so much thereof as may be necessary, of which the sum of two hundred one thousand two hundred thirty-six dollars and twenty-nine cents (\$201,236.29) is appropriated from moneys collected from racing associations, pursuant to chapter five hundred seventy, laws of eighteen hundred ninety-five and the acts amendatory thereof or supplemental thereto, and the sum of seventy-two thousand two hundred sixty-three dollars and seventy-one cents (\$72,263.71) is appropriated from any moneys in the treasury not otherwise appropriated.

STATE ARCHITECT.

For deficiency in appropriation for salaries of draughtsmen and tracers, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

For the salary of one engineer for the balance of the fiscal year, six hundred seventy-five dollars (\$675), or so much thereof as may be necessary.

For deficiency in appropriation for salaries of building inspectors, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For deficiency in appropriation for transportation and other expenses of supervision, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For deficiency in appropriation for office supplies and expenses, five hundred dollars (\$500), or so much thereof as may be necessary.

For damages and expenses of contractors engaged in the construction of the new armory in the city of Rochester, pursuant to chapter six hundred forty-two, laws of nineteen hundred four, due to unavoidable delays and interruptions in the progress of the work, two thousand two hundred forty dollars (\$2,240), or so much thereof as may be necessary, to be paid upon the certificate of the state architect.

BANKING DEPARTMENT.

For salary of card index and filing clerk from June first to October first, nineteen hundred seven, four hundred dollars (\$400).

For the purpose of partially equipping the office and vaults of the department in the state hall with steel filing cases, seven hundred fifty dollars (\$750), or so much thereof as may be necessary.

CIVIL SERVICE COMMISSION.

For deficiency in appropriation for expenses of examinations, and compensation of temporary, local and expert examiners, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For deficiency in appropriation for office expenses and for the necessary traveling expenses of the examiners and stenographer, six hundred fifty dollars (\$650), or so much thereof as may be necessary.

For salary of one employee of the first grade, from June first, to October first, nineteen hundred seven, one hundred twenty dollars (\$120).

DEPARTMENT OF EXCISE.

The sum of twelve thousand ten dollars and sixty-six cents (re. \$12,010.66), being the unexpended balances of the appropriations made by chapter six hundred ninety-nine, laws of nineteen hundred five, and by chapter seven, laws of nineteen hundred five, for salaries, Albany office, six thousand eight hundred seventy-five dollars and three cents; salaries, New York office, two hundred thirty-seven dollars and sixteen cents; salaries, Buffalo office, one hundred sixty-eight dollars and seventy-five cents; expense, Queens office, one dollar and fourteen cents; expense, Richmond office, forty-seven dollars and sixteen cents; expense, Monroe office, one hundred fifty-one dollars and forty-two cents; judgments, four thousand five hundred thirty dollars, is hereby reappropriated for the following purposes:

For legal expenses, including salaries of attorneys and law stenographers for Albany, New York, Brooklyn and Buffalo offices, and compensation, costs, expenses and disbursements of attorneys under section ten of the liquor tax law, six thousand dollars (\$6,000).

For paying judgments against the state commissioner of excise and also judgments against any special deputy commissioner of excise or against any county treasurer, where such judgments against said special deputy commissioners or county treasurers were obtained in actions or proceedings brought or defended by the direction of the state commissioner of excise, three thousand dollars (\$3,000).

For temporary help, three thousand ten dollars and sixty-six cents (\$3,010.66).

The sum of one thousand two hundred seventy dollars and fifty-eight cents (re. \$1,270.58), being the unexpended balance of the appropriations made by chapter six hundred eighty-three, laws of nineteen hundred six, for the expenses of the state commissioner of excise, six hundred ninety-three dollars and ninety-four cents, and for the expenses of the deputy state commissioner of excise, five hundred seventy-six dollars and sixty-four cents, is hereby reappropriated for the following purposes:

For deficiency in salary of the state commissioner of excise, seven hundred sixty-eight dollars and eighty-two cents (\$768.82); for deficiency in salary of the deputy state commissioner of excise, three hundred eighty-four dollars and forty-one cents (\$384.41); for the actual and necessary traveling expenses of the state commissioner of excise, two hundred twenty-five dollars (\$225); for the actual and necessary traveling expenses of the deputy state commissioner of excise, one hundred seventeen dollars and thirty-five cents (\$117.35); for the state's one-half of the deficiency in salary of the special deputy commissioner of excise for the boroughs of Manhattan and the Bronx, one hundred ninety-two dollars and twenty cents (\$192.20); for the state's one-half of the deficiency in salary of the special deputy commissioner of excise for the borough of Brooklyn, one hundred forty-four dollars and sixteen cents (\$144.16); for the state's one-half of the deficiency in salary of the special deputy commissioner of excise for the county of Monroe, ninety-six dollars and ten cents (\$96.10).

For rebates on surrender of liquor tax certificates, under the provisions of the liquor tax law, one hundred seventy-five thousand dollars (\$175,000).

FOREST, FISH AND GAME COMMISSION.

The sum of three thousand dollars (re. \$3,000), being a portion of the unexpended balance of an appropriation made by chapter six hundred eighty-three, laws of nineteen hundred six, for the expenses of game protectors, is hereby reappropriated for the payment of extra expenses of protectors in the discharge of duty outside their respective districts in special cases when acting under the order of the commissioner or chief protector.

The sum of three hundred fifty dollars (re. \$350) of the unexpended balance of the appropriation for the salary of foreman of laborers is reappropriated for the salary of foresters.

The sum of one hundred ninety-one dollars and seventy cents (re. \$191.70), being the unexpended balance of an appropriation made by chapter seven hundred, laws of nineteen hundred five, for the purpose of repairing docks, buildings and the care of state lands, in the State reservation on the Saint Lawrence river, is hereby reappropriated for the same purpose.

The sum of one thousand dollars (re. \$1,000), being part of the unexpended balance of an appropriation made by chapter five hundred thirty-nine, laws of nineteen hundred six, for the purchase of a launch to be used by the game protectors in Jamaica bay and adjacent waters, is hereby reappropriated for hire of steamboats and launches for the use of such protectors in pursuing violators of the law on the waters adjacent to New York bay, Hudson river and Long Island.

The sum of six hundred eighty-eight dollars and forty-four cents (re. \$688.44), being the unexpended balance of appropriation made by chapter seven hundred, laws of nineteen hundred five, for the purpose of increasing the water supply, pumping engine, pumps, and installing the same at Chautauqua hatchery, is hereby reappropriated for the same purpose.

For rebates due the various towns on account of bills paid by them for the suppressing of forest fires, under chapter twenty, laws of nineteen hundred, as amended by chapter five hundred nineteen, laws nineteen hundred one, and for printing and posting notices for the prevention of forest fires in the forest preserve, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For justices, constables, attorneys, court costs and surveying in prosecutions for violations of the forest, fish and game law, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, to be paid from the moneys received from fines and penalties, pursuant to chapter twenty, laws of nineteen hundred.

For reforesting burned or denuded lands in the forest preserve, and preparing and distributing instructive literature on forestry subjects pursuant to section two hundred and twenty of the forest, fish and game law, two thousand six hundred nine dollars and thirty cents (\$2,609.30), or so much thereof as may be necessary.

For completing the new Adirondack map to conform with the sheets issued by the United States geological survey, five hundred dollars (\$500), or so much thereof as may be necessary.

For making surveys, witness, court and counsel fees in protecting the state's title and interest in state land in the forest preserve, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For the salary of a stenographer to the commissioner from June first to October first, nineteen hundred seven, two hundred dollars (\$200).

For the salaries of the chief attorney, assistant attorney and stenographer in the legal department, from June first to October first, nineteen hundred seven, two thousand four hundred dollars (\$2,400), or so much thereof as may be necessary.

For extraordinary repairs and improvements of Adirondack hatchery, Upper Saranac, Franklin county; Bath hatchery, Bath, Steuben county; Caledonia hatchery, Caledonia, Livingston county; Cold Spring Harbor hatchery, Cold Spring Harbor, Suffolk county; Chautauqua hatchery, Bemus Point, Chautauqua county; Delaware hatchery, Margaretville, Delaware county; Fulton Chain hatchery, Old Forge, Herkimer county; Oneida hatchery, Constantia, Oswego county; and Linlithgo hatchery, Columbia county; twenty-three thousand dollars (\$23,000), or so much thereof as may be necessary.

For renewing, replacing and painting signs for the various islands owned by the state in Lake George, five hundred dollars (\$500), or so much thereof as may be necessary.

For stationery, printing, postage, expressage and other office expenses, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the salaries of two additional game protectors for Jamaica bay and adjacent waters, as provided by chapter five hundred thirty-nine, laws of nineteen hundred six, to September thirtieth, nineteen hundred seven, six hundred dollars and thirty-four cents (\$600.34), and for the necessary expenses of such protectors for the same period two hundred fifty dollars (\$250), or so much thereof as may be necessary.

For the salaries of ten additional game protectors from July first, nineteen hundred and seven, to September thirtieth, nineteen hundred eight, seven thousand five hundred dollars (\$7,500), and for their expenses for the same period, five thousand six hundred twenty-five dollars (\$5,625), or so much thereof as may be necessary.

For repairing the John Brown homestead at North Elba, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For printing twenty-five thousand copies of the forest, fish and game law for nineteen hundred seven, pursuant to chapter two hundred eighty-two, laws of nineteen hundred seven, three thousand five hundred dollars (\$3,500), or so much thereof as may be necessary.

For the purchase of not to exceed twenty full blooded American bison for the keeping of which the commissioner of forest, fish and game is authorized to select suitable lands not exceeding fifteen square miles in the forest preserve and for fencing such lands and providing suitable quarters, and for maintaining such bison and the expenses incidental thereto, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

For the purpose of acquiring property on Caledonia creek to control and protect the water supply of the Caledonia state hatchery and for the improvement of the hatchery and hatchery grounds, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

For George Pashley for money paid by him to the state for timber purchased from the state, cut upon the forest preserve and for his necessary expenses in prosecuting an action under and pursuant to the direction of the chief game protector, to maintain title thereto, four hundred seventy-six dollars (\$476).

STATE HISTORIAN.

For preparing a suitable index for the ecclesiastical records relating to the colonial history of the state recently published in six volumes by the state historian, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

HEALTH DEPARTMENT.

The sum of six hundred eighty-two dollars and forty cents (re. \$682.40), being the unexpended balance of appropriations made by chapter six hundred eighty-three, laws of nineteen hundred six, and the sum of four hundred sixteen dollars and sixty-seven cents (re. \$416.67), being the unexpended balance of appropriations made by chapter six hundred ninety-nine, laws of

nineteen hundred five, for services of employees, are hereby re-appropriated for additional or temporary services in said office.

For suppressing epidemics of smallpox and other contagious or infectious diseases in the several municipalities of the state, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

For investigations of sewage, sewage disposal, factory and creamery wastes, waterheads, ice inspection, public nuisances, registration of vital statistics and violations of the public health law, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For deficiency in the salaries of two assistant sanitary engineers, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For deficiency in the appropriation for traveling expenses of employees of the department in the discharge of official duties, pursuant to the written direction of the commissioner, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For deficiency in the appropriation for furniture, books, blanks, binding, printing, messages and other necessary and incidental office expenses, four thousand dollars (\$4,000), or so much thereof as may be necessary.

For deficiency in appropriation for postage and transportation of letters, official documents and other matter sent by express or freight, including boxes or covering for same, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For deficiency in the appropriation for traveling expenses of the commissioner of health, five hundred dollars (\$500), or so much thereof as may be necessary.

For a traveling exhibit of tuberculosis for the education of the public in the prevention of tuberculosis, and for sanitary institutes for the instruction of health officers, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For maintenance and equipment of the cancer laboratory at Buffalo, for investigation into the cause, nature, mortality rate and treatment of cancer, including salaries, and the publication of at least one thousand copies of its report, eighteen thousand dollars (\$18,000), or so much thereof as may be necessary, the vouchers for which shall be officially verified by the director of said laboratory, and approved by the state commissioner of health.

The annual report of the laboratory shall be presented to the legislature on or before February first, nineteen hundred eight.

INSURANCE DEPARTMENT.

For Robert E. Steele, for services and disbursements in the matter of the Bankers Life Insurance company of the city of New York, to be paid on the certificate of the superintendent of insurance, six hundred dollars (\$600), or so much thereof as may be necessary.

For the construction of mezzanine floors, cases and shelving, furniture and other necessary expenses connected therewith for the offices of the superintendent of insurance, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For Edward W. Hatch, Julius M. Mayer and Danforth E. Ainsworth for services and disbursements as counsel for the superintendent in proceedings before the senate judiciary committee and the senate upon the message from the governor recommending the removal from office of Otto Kelsey, superintendent of insurance, fifteen thousand dollars (\$15,000).

DEPARTMENT OF LABOR.

The sum of seven hundred fifty-nine dollars and forty-eight cents (re. \$759.48), being the unexpended balance of appropriations made by chapter six hundred ninety-nine, laws of nineteen hundred five, for salaries of clerks and special agents, is hereby reappropriated for services of temporary clerks and stenographers.

The sum of six hundred forty-one dollars and ninety-three cents (re. \$641.93), being the unexpended balance of appropriations made by chapter six hundred ninety-nine, laws of nineteen hundred five, and chapter six hundred eighty-six, laws of nineteen hundred six, for salaries of deputy factory inspectors, is hereby reappropriated for the salary of a second assistant to the first deputy commissioner of labor, or assistant factory inspector, from June first to September thirtieth, nineteen hundred seven.

The sum of two thousand three hundred ninety-one dollars and forty-two cents (re. \$2,391.42), being the unexpended balance of appropriations made by chapter six hundred ninety-nine, laws of nineteen hundred five, for the expenses of the first and second

deputy commissioners of labor, and of other officers and employees in the department of labor, is hereby reappropriated for the following purposes:

For furniture, mathematical machines, and other office expenses, one thousand one hundred dollars (\$1,100); for printing, including the expense of publishing bulletins, one thousand two hundred ninety-one dollars and forty-two cents (\$1,291.42).

LAND BOARD.

For maps, to be prepared under the direction of the land board by the state engineer and surveyor, of all grants of land under water heretofore made by or under the authority of the state in the counties of Jefferson, Onondaga, Otsego and Clinton and for completing maps of grants of land under water, showing thereon all water grants made up to and including May first, nineteen hundred seven and for indexing same, five hundred dollars (\$500), or so much thereof as may be necessary.

STATE COMMISSION IN LUNACY.

The sum of twenty thousand two hundred forty-three dollars and sixty-seven cents (re. \$20,243.67), being the unexpended balance of appropriation made by chapter six hundred ninety-nine, laws of nineteen hundred five, for the salaries of officers of state hospitals; the sum of one hundred twelve thousand six hundred eighty-eight dollars and fourteen cents (re. \$112,688.14), being the unexpended balance of appropriation made by the same chapter for the wages of state hospital employees; the sum of five thousand two hundred fifty-one dollars and sixty-three cents (re. \$5,251.63), being the unexpended balance of an appropriation made by chapter seven hundred, laws of nineteen hundred five, for deficiencies in the wages of employees of the state hospitals; and the sum of two thousand ninety-seven dollars and fifty cents (re. \$2,097.50), being the unexpended balance of an appropriation made by the same chapter to reimburse state hospital superintendents for disbursements incurred by them in carrying out the provision of chapter twenty-six, laws of nineteen hundred two, imposing upon hospital superintendents the duties of hospital treasurers between April, nineteen hundred two, and October, nineteen hundred three, are hereby reappropriated for the maintenance of the state hospitals for the year ending

September thirtieth, nineteen hundred seven, exclusive of salaries and wages.

The sum of twenty thousand nine hundred twenty-six dollars and twenty-seven cents (re. \$20,926.27), being the unexpended balance of an appropriation made by chapter seven hundred two, laws of nineteen hundred five, for the construction of a nurses' home at the Utica state hospital, is hereby reappropriated for the same purpose.

The sum of one hundred eighty-nine thousand four hundred thirty-eight dollars and fifty-five cents (re. \$189,438.55), being the unexpended balance of an appropriation made by chapter seven hundred two, laws of nineteen hundred five, for the construction and furnishing of a building to accommodate at least four hundred forty patients of the chronic class at one of the established state hospitals, is hereby reappropriated for the same purpose.

The sum of two thousand five hundred dollars (re. \$2,500), being the balance of an appropriation made by chapter seven hundred two, laws of nineteen hundred five, for workshop at the Middletown state homeopathic hospital, is hereby reappropriated for the same purpose.

The sum of two thousand five hundred dollars (re. \$2,500), being the balance of an appropriation made by chapter seven hundred two, laws of nineteen hundred five, for work shops, at the Gowanda state homeopathic hospital, is hereby reappropriated for the same purpose.

The sum of fourteen thousand dollars (re. \$14,000) appropriated by chapter seven hundred two, laws of nineteen hundred five, for superintendent's house at the Rochester state hospital; the sum of two thousand five hundred dollars (re. \$2,500) appropriated by the same chapter for building for industries at the Rochester state hospital, and the sum of two thousand five hundred dollars (re. \$2,500) appropriated by chapter six hundred eighty-six, laws of nineteen hundred six, for furnishing the superintendent's house, Rochester state hospital, are hereby reappropriated for the construction and furnishing of a residence for the superintendent of the Rochester state hospital to be located on the grounds of the institution.

The sum of one hundred fifty thousand dollars (re. \$150,000) appropriated by chapter seven hundred two, laws of nineteen hundred five, for the construction of a reception hospital in New York city, authorized by section three, chapter seven hundred

sixty, laws of nineteen hundred four, to cost not to exceed three hundred thousand dollars, is hereby reappropriated for the same purpose.

The sum of three thousand two hundred dollars (re. \$3,200) appropriated by chapter six hundred eighty-six, laws of nineteen hundred six, for porch and sun rooms, ward eleven, Hudson River state hospital, and the sum of three thousand two hundred dollars (re. \$3,200) appropriated by the same chapter for sun rooms, wards three and seven, at the Hudson River state hospital are hereby reappropriated for sun rooms for wards twenty-three and twenty-four, central group, and for day room for wards twenty-six and twenty-seven, E one and E two at the same hospital.

The sum of one thousand dollars (re. \$1,000) appropriated by chapter seven hundred two, laws of nineteen hundred five, for fan and motor, main building, Binghamton state hospital; the sum of four thousand dollars (re. \$4,000) appropriated by the same chapter for electric unit at said hospital, and the sum of nine thousand dollars (re. \$9,000) appropriated by the same chapter for additional boilers for the new buildings at said hospital, are hereby reappropriated in addition to other appropriations for a portion of the expense of constructing a new power plant at that institution.

The sum of four thousand dollars (re. \$4,000) appropriated by chapter six hundred eighty-six, laws of nineteen hundred six, for enlargement of reception cottage dining-rooms, Saint Lawrence state hospital, is hereby reappropriated for the enlargement of one reception cottage dining-room at the same hospital.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes, as follows:

For the Utica state hospital by chapter seven hundred two, laws of nineteen hundred five, for electric plant five thousand five hundred dollars (re. \$5,500).

For the Willard state hospital by chapter seven hundred two, laws of nineteen hundred five for cold storage, three hundred forty-seven dollars (re. \$347).

For the Hudson River state hospital by chapter seven hundred two, laws of nineteen hundred five for plumbing and water sections wards one, five and nine, three hundred forty-eight dollars and thirty-seven cents (re. \$348.37); for fire protection one hundred sixty-one dollars and twenty-four cents (re. \$161.24); for fire escape, office building,

fifty-seven dollars and fourteen cents (re. \$57.14); for renewals to cottages one thousand twenty-four dollars and seventy-five cents (re. \$1,024.75); for renovation of wards for disturbed men twenty-two dollars and nine cents (re. \$22.09); for new boilers and changes in boiler plant three hundred thirteen dollars and fifty-five cents (re. \$313.55).

For the Binghamton state hospital, by chapter seven hundred two, laws of nineteen hundred five, for extension of water mains and new hydrants, four hundred seventeen dollars (re. \$417).

For the Rochester state hospital, by chapter seven hundred two, laws of nineteen hundred five, for renovation of old north building, two hundred fifty-four dollars and twenty-six cents (re. \$254.26).

The sum of one thousand dollars (re. \$1,000), being a portion of the unexpended balance of appropriation made by chapter five hundred forty-one, laws of nineteen hundred three and reappropriated by chapter seven hundred one, laws of nineteen hundred five, for the acquisition of a site for a state hospital for the insane in the northeastern part of the state, north of the county of Rensselaer, and for the preparation of the plans for such hospital, is hereby reappropriated for the construction of fences, to be paid in the same manner as provided in said act of nineteen hundred three referred to.

The sum of two thousand nine hundred thirty-one dollars (re. \$2,931), being the unexpended balance of an appropriation made by chapter seven hundred two, laws of nineteen hundred five for extraordinary repairs and emergencies at the state hospitals is hereby reappropriated for the same purpose.

For deficiency in the appropriation made by chapter six hundred eighty-six, laws of nineteen hundred six, for furniture and equipment of new chronic building including the dining-room and kitchen at the Binghamton state hospital, seven thousand five hundred dollars (\$7,500).

For reimbursement of state hospital stewards for expenses incurred by them while acting as assistant treasurers, in payment of premiums on bonds required by the state comptroller during the year ending September thirtieth, nineteen hundred seven, one hundred seventy dollars (\$170).

For reimbursement of the superintendent of the Saint Lawrence state hospital for premiums paid by him upon his bond as

acting treasurer of said hospital from June first, nineteen hundred three, to April first, nineteen hundred seven, one hundred seventy-eight dollars and fifty cents (\$178.50), and for reimbursement of the superintendent of the Middletown state homeopathic hospital for premiums paid by him upon his bond as acting treasurer of said hospital from July first, nineteen hundred two, to April first, nineteen hundred seven, two hundred dollars (\$200), or so much thereof as may be necessary.

The sum of twenty thousand dollars (\$20,000) is hereby appropriated in addition to the appropriation of thirty thousand dollars made by chapter six hundred eighty-six, laws of nineteen hundred six, for providing sewage disposal at the Kings Park state hospital.

For Dr. Ira O. Tracy, for deficiency for services rendered as first assistant physician at the Long Island state hospital, from the first day of July, eighteen hundred ninety-six, to the first day of December, nineteen hundred three, four thousand four hundred fifty dollars (\$4,450), or so much thereof as may be necessary, to be paid by the state treasurer, upon the warrant of the comptroller and the certificate of the state commission in lunacy, for such sum as the commission may determine should have been paid to the said Tracy, while acting as first assistant physician of such hospital, because of the residence of his family at a place other than such hospital, in lieu of the quarters and supplies furnished by hospitals to first assistant physicians, pursuant to the provisions of section thirty-eight of the insanity law.

NATIONAL GUARD.

For completing the personal records of the volunteers from this state in the war of the rebellion, for binding the same and for the manuscript of the third enlarged edition of "New York in the War of the Rebellion," twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary. The adjutant-general is authorized to cause to be printed as part of his annual report, two thousand copies of "New York in the War of the Rebellion," to be distributed as follows: Ten copies to each senator, five copies to each member of assembly and the remainder under his direction.

For services and necessary traveling expenses in prosecuting war claims of the state against the United States, three thousand dollars (\$3,000), or so much thereof as may be necessary.

For deficiency in appropriation for uniforms, equipment, necessary military expenses and other actual and necessary expenses of the naval militia, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For repairs, improvements, and betterments of the state arsenals, armories, camp grounds, and the rifle ranges at Creedmoor and throughout the state, under direction of the armory commission, and for necessary office and traveling expenses of the commission, one hundred twenty thousand dollars (\$120,000), or so much thereof as may be necessary.

For deficiency in appropriation for allowances to officers to assist in uniforming and equipping themselves, and to organizations, for the purpose of defraying necessary military expenses, pursuant to sections one hundred fifty-six and one hundred fifty-seven of the military code, fourteen thousand six hundred twenty-five dollars and seventy-six cents (\$14,625.76), or so much thereof as may be necessary.

For the general expenses of the national guard and office of the adjutant-general, to reimburse expenditures made in connection with mobilization of troops at Albany to participate in inaugural ceremonies and for duty as escort to the governor, two thousand six hundred forty-four dollars and fourteen cents (\$2,644.14), or so much thereof as may be necessary.

For deficiency in appropriation for pensions to members of the national guard and naval militia, and pay and care for the same when injured or disabled in service, pursuant to sections one hundred sixty-two and one hundred sixty-five of the military code; and for expense of examination of claims under said act, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary.

For George W. Herniman, late second lieutenant sixty-fifth regiment national guard, for arrears of pension, ten thousand one hundred eleven dollars and seventy-three cents (\$10,111.73).

NIAGARA RESERVATION.

The sum of twenty thousand dollars (re. \$20,000), appropriated by chapter six hundred eighty-six, laws of nineteen hundred six, together with the sum of five thousand five hundred dollars (re. \$5,500), reappropriated by the same chapter for the construction of a reinforced concrete inclined building from the face of the cliff to the terminal station below, complete new roadbed with

concrete foundation, removal of upper terminal station and the construction of a waiting room, operators' room, toilet rooms, et cetera, below the surface of the ground, is hereby reappropriated for the construction of an inclined railway building, suitably roofed and enclosed, from the face of the cliff to the terminal below, including a complete new roadbed, terminal stations, operators' and ticket office, toilet rooms, cars, machinery and equipage complete, and necessary repairs to so much of the existing plant as may be properly utilized, upon plans to be prepared or approved by the state architect. No portion of the sum so appropriated shall be available except for plans and advertising until satisfactory proposals for the completion of the work within such appropriation shall have been submitted to and accepted by the commission.

STATE COMMISSION OF PRISONS.

For the compensation of the commissioners and their actual and necessary traveling expenses in the performance of their official duties, two thousand five hundred dollars (\$2,500), together with the sum of one thousand four hundred fifty-eight dollars and thirty-five cents (re. \$1,458.35) appropriated by chapter six hundred eighty-three, laws of nineteen hundred six for the salary of the president of the commission, which is hereby reappropriated for the compensation and traveling expenses of the commissioners as above provided.

PRISON DEPARTMENT.

For securing additional instruction in the several state prisons, three thousand dollars (\$3,000), or so much thereof as may be necessary, to be expended under the direction of the superintendent of state prisons.

For the salary of one assistant physician at Clinton prison, one thousand five hundred dollars (\$1,500).

For deficiency in appropriation for support and maintenance of Matteawan state hospital for insane criminals for the fiscal year ending September thirtieth, nineteen hundred seven, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For deficiency in appropriation for support and maintenance of Dannemora state hospital for insane convicts for the fiscal year

ending September thirtieth, nineteen hundred seven, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For deficiency in appropriation for the support and maintenance of the several state prisons including ordinary repairs thereof, and supplying water therefor, for the fiscal year ending September thirtieth, nineteen hundred seven, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

PRISON SCHOOLS.

For the salaries of three head teachers, one thousand two hundred dollars each (\$3,600).

For school and library books, one thousand eight hundred dollars (\$1,800).

For school apparatus and supplies, one thousand five hundred dollars (\$1,500).

PAYABLE FROM THE CAPITAL FUND.

For an additional story on cotton shop at Clinton prison, eight thousand dollars (\$8,000), and for repairs to engine house and dynamo at Sing Sing, recently damaged by fire, three thousand dollars (\$3,000), and for repair and replacement of machinery so damaged, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary, to be expended under the direction of the superintendent of state prisons.

MAINTENANCE OF CONVICTS.

For deficiency in appropriation for the payment of the accounts rendered by the several penitentiaries of the state for the fiscal year ending September thirtieth, nineteen hundred six, for the maintenance of convicts and tramps sentenced to said penitentiaries pursuant to law, thirteen thousand six hundred dollars (\$13,600), or so much thereof as may be necessary.

DEPARTMENT OF PUBLIC BUILDINGS.

For renewals, repairs and improvements of the plumbing and drainage systems of the public buildings and of the fixtures and appliances connected therewith, under the direction of the trustees of public buildings, four thousand three hundred fifty-five dollars and forty-two cents (\$4,355.42), together with the sum of nineteen thousand eight hundred ten dollars and thirty-seven

cents (re. \$19,810.37), being the unexpended balance of an appropriation made by chapter seven hundred, laws of nineteen hundred five, which is hereby reappropriated for the same purpose.

The sum of sixteen thousand three hundred seventy-nine dollars and forty-five cents (re. \$16,379.45), or so much thereof as may be necessary, being a portion of the unexpended balance of an appropriation made by chapter six hundred eighty-three, laws of nineteen hundred six, for lighting and necessary fixtures and appliances therefor, is hereby reappropriated for renewals, repairs and improvements to, and the electric wiring of the capitol and for coal, fuel and services of employees in the heating and lighting plant of the capitol.

For the compensation of the secretary to the trustees of public buildings, one thousand dollars (\$1,000).

For extraordinary repairs and ordinary maintenance of the senate house at Kingston, to be expended under the direction of the superintendent of public buildings, three hundred dollars (\$300), or so much thereof as may be necessary.

For painting and other incidental repairs and furnishings necessary to preserve and renew the buildings, premises and property in charge of the superintendent of public buildings, and to be expended under his direction, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For renewals, repairs and improvements of the conductor pipes and drainage of the state hall, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

For installing a proper system of ventilation in the assembly chamber, speaker's room, clerk's room and corridors connected therewith, thirty-five thousand dollars (\$35,000), or so much thereof as may be necessary.

For installing vacuum cleaner system complete in the capitol building, sixteen thousand five hundred dollars (\$16,500), or so much thereof as may be necessary.

LEGISLATIVE PRINTING.

For printing twenty-five thousand copies of the forest, fish and game laws in nineteen hundred six pursuant to chapter six hundred fifty-six, laws of nineteen hundred six; and seven thousand additional copies of the report of the special tax commission ordered by concurrent resolution, February twentieth, nineteen hundred seven; and two thousand five hundred copies of

the annual report of the fiscal supervisor ordered by resolution of the assembly, February twentieth, nineteen hundred seven; and five thousand copies of the report of the commissioners of the state of New York at the Louisiana purchase exposition held at Saint Louis in nineteen hundred four, ordered by concurrent resolution, April eleventh, nineteen hundred seven.

And for printing five thousand copies of the memorial proceedings of the senate upon the death of honorable Timothy E. Ellsworth, ordered by resolution of the senate, April fifteenth, nineteen hundred four; and three thousand copies of the memorial proceedings of the senate upon the death of honorable Henry S. Ambler, ordered by concurrent resolution, March fourteenth, nineteen hundred six; and ten thousand copies of the memorial proceedings of the assembly upon the death of honorable Samuel F. Nixon, ordered by concurrent resolution, April twenty-sixth, nineteen hundred six; and five thousand additional copies thereof, ordered by concurrent resolution, May third, nineteen hundred six; and five hundred copies of the memorial proceedings of the assembly upon the death of honorable Charles S. Plank, ordered by resolution of the assembly, February twentieth, nineteen hundred seven; and ten thousand copies of the memorial proceedings of the legislature on the death of ex-Governor Frank Wayland Higgins, ordered by concurrent resolution May ninth, nineteen hundred seven.

And for printing four hundred copies of all general bills of the assembly, two hundred fifty copies of all general bills of the senate, two hundred copies of other assembly bills, one hundred twenty-five copies of other senate bills ordered by resolution of the assembly, January twenty-fourth, nineteen hundred seven; and ten thousand copies of assembly bill, introductory number one thousand eighty-three, ordered by resolution of the assembly, March seventh, nineteen hundred seven; and five thousand copies thereof ordered by concurrent resolution thereafter; and one thousand copies of assembly bill, introductory number nine hundred twenty-six, ordered by resolution of the assembly, March seventh, nineteen hundred seven; and two thousand copies of assembly bill, introductory number five hundred sixty-seven, ordered by resolution of the assembly, March seventh, nineteen hundred seven; and one thousand copies of senate bill, introductory number five hundred seventy-six, ordered by resolution of the senate, March seventh, nineteen hundred

seven; and two thousand copies thereof ordered by resolution of the Senate May seventh, nineteen hundred seven; and five thousand copies of assembly bill, introductory number six hundred seventy-three, ordered by resolution of the assembly, March nineteenth, nineteen hundred seven; and two thousand copies of assembly bill, introductory number four hundred thirty-five, ordered by resolution of the assembly, March nineteenth, nineteen hundred seven, and three thousand copies of assembly document number fifty-three, being the report of the commission to investigate the condition of the blind, ordered by resolution of the assembly, April eighteenth, nineteen hundred seven, thirty thousand dollars (\$30,000), or so much thereof as may be necessary.

For printing two thousand five hundred copies of senate bill number five hundred twenty-eight, ordered by resolution of the senate March fifteenth, nineteen hundred six; and two thousand five hundred copies of senate bill number five hundred seventeen ordered by resolution of the senate, March fifteenth, nineteen hundred six; and two thousand five hundred copies of senate bill number five hundred eighteen, ordered by resolution of the senate, March fifteenth, nineteen hundred six; and two thousand five hundred copies of senate bill number five hundred nineteen, ordered by resolution of the senate, March fifteenth, nineteen hundred six; and two thousand five hundred copies of senate bill number five hundred twenty, ordered by resolution of the senate, March fifteenth, nineteen hundred six; and two thousand five hundred copies of senate bill number five hundred twenty-one, ordered by resolution of the senate, March fifteenth, nineteen hundred six; and two thousand five hundred copies of senate bill number five hundred twenty-two, ordered by resolution of the senate, March fifteenth, nineteen hundred six; and two thousand five hundred copies of senate bill number five hundred twenty-three, ordered by resolution of the senate, March fifteenth, nineteen hundred six; and two thousand five hundred copies of senate bill number five hundred fifty-six, ordered by resolution of the senate, March fifteenth, nineteen hundred six; and two thousand five hundred copies of senate bill number five hundred sixty-two, ordered by resolution of the senate, March fifteenth, nineteen hundred six; and five hundred copies of senate bill number sixteen, ordered by resolution of the senate, March twenty-fifth, nineteen hundred six; and thirty copies of senate bill number one thousand, by direction of the senate clerk; and forty copies of senate bill number one thou-

sand two hundred ninety-five by direction of finance committee; and three hundred fifty additional copies of each senate bill ordered by resolution of assembly, January nineteenth, nineteen hundred six; and five hundred additional copies of each assembly bill ordered by resolution of assembly, January nineteenth, nineteen hundred six; and one thousand copies of assembly bill number six hundred eighty-five, ordered by resolution of assembly, February twenty-second, nineteen hundred six; and ten thousand copies of assembly bill number nine hundred sixty-nine, ordered by resolution of assembly, February twenty-third, nineteen hundred six; and ten thousand copies of assembly bill number nine hundred sixty-eight, ordered by resolution of assembly, February twenty-third, nineteen hundred six; and ten thousand copies of assembly bill number nine hundred sixty-seven, ordered by resolution of assembly, February twenty-third, nineteen hundred six; and ten thousand copies of assembly bill number nine hundred sixty-six, ordered by resolution of assembly, February twenty-third, nineteen hundred six; and ten thousand copies of assembly bill number nine hundred sixty-five, ordered by resolution of the assembly, February twenty-third, nineteen hundred six; and ten thousand copies of assembly bill nine hundred sixty-four, ordered by resolution of assembly, February twenty-third, nineteen hundred six; and ten thousand copies of assembly bill number nine hundred sixty-three, ordered by resolution of the assembly, February twenty-third, nineteen hundred six; and ten thousand copies of assembly bill number nine hundred ninety-six, ordered by resolution of assembly, February twenty-third, nineteen hundred six; and ten thousand copies of assembly document number forty-one, ordered by resolution of the assembly, February twenty-third, nineteen hundred six; and twenty-five copies of assembly bill number nine hundred ninety-seven, ordered by resolution of assembly, February twenty-eighth, nineteen hundred six; and five hundred copies of assembly bill number thirty-three, ordered by resolution of the assembly, March sixteenth, nineteen hundred six; and three thousand copies of assembly document number forty-four, ordered by resolution of the assembly, April fifth, nineteen hundred six; and five hundred copies of assembly bill number one thousand five hundred thirty-nine, ordered by resolution of the assembly, April thirteenth, nineteen hundred six; and one thousand copies of assembly bill number one thousand eight hundred, ordered by resolution of the assembly, April nineteenth, nineteen

hundred six; and forty copies of assembly bill number one thousand seven hundred sixty-three, by direction of the clerk of the assembly; and fifty copies of assembly bill number one thousand nine hundred eight, by direction of the clerk of the assembly; and fifty copies of assembly document number six; and five thousand copies of assembly bill number one thousand thirty, ordered by resolution of the senate, March fifteenth, nineteen hundred six; and five thousand copies of assembly bill number one thousand twenty-nine, ordered by resolution of the senate, March fifteenth, nineteen hundred six; and five thousand copies of assembly bill number one thousand eight hundred seventy-five, ordered by resolution of the senate, April second, nineteen hundred six; and five thousand copies of assembly bill number one thousand eight hundred seventy-five, ordered by resolution of the senate, April second, nineteen hundred six; and five thousand copies of assembly bill one thousand nine hundred nine, ordered by resolution of the senate, April second, nineteen hundred six; and eleven thousand copies of assembly document number forty-one, ordered by resolution of the senate, March fifteenth, nineteen hundred six, six thousand four hundred eighty-four dollars and seventeen cents (\$6,484.17), or so much thereof as may be necessary, to be paid for from any appropriation available for legislative printing.

And for printing two hundred fifty copies of the proceedings of the judiciary committee of the senate upon the recommendation of the governor for the removal of Otto Kelsey as superintendent of insurance, one thousand sixty-eight dollars and fifty cents (\$1,068.50), or so much thereof as may be necessary.

All of which are hereby legalized and confirmed, and shall have the same force and effect as if the work therein ordered had been ordered by statute; and shall be paid for at the amount audited by the comptroller in accordance with the contract rates fixed therefor in the contract for legislative printing for the years in which such printing and binding was done, to be paid only upon the filing of proper receipts in full for said items.

For printing and binding ten thousand copies of that part of the report of the commissioner of agriculture for the year nineteen hundred three designated, "Apples of New York," to be distributed as follows: Thirty copies to each assemblyman, sixty copies to each senator, one thousand copies to the Geneva experiment station, two hundred fifty copies to Cornell University, two hundred fifty copies to the department of education and the re-

mainder to the department of agriculture, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

For printing and binding three thousand copies of that portion of the report of the state engineer and surveyor for nineteen hundred five called the "History of the Canal System of the State of New York, together with brief histories of the canals in the United States and Canada," one thousand copies of which shall be for the use of the state library, for the high schools of the state and for exchange with other libraries, and ten copies for each member of the legislature, said work to be performed by the present contractor for legislative printing in accordance with the contract rates fixed therefor in said contract and paid upon the audit of the comptroller, four thousand five hundred dollars (\$4,500), or so much thereof as may be necessary.

DEPARTMENT OF PUBLIC WORKS.

For cleaning out state ditches along the Erie and Champlain canals, to prevent further overflow of land and damage to private property in the vicinity of said ditches, twenty thousand dollars (\$20,000), or so much thereof as may be necessary.

For the services of the agent employed by the superintendent of public works on the request of the attorney-general, as provided in section two hundred seventy of the code of civil procedure, in defense of claims against the state on account of the canals, and for disbursements incurred by him, including the payment for such assistants as shall be necessary in the preparation of cases, to be advanced to said agent by the comptroller in such sums as may be approved by him upon such agent filing with the comptroller a good and sufficient bond in the penalty of ten thousand dollars, for which advances vouchers shall be rendered, ten thousand dollars (\$10,000), or so much thereof as may be necessary, payable from the canal fund.

For the salary and necessary traveling expenses of an engineer to be employed by the superintendent of public works to act in an advisory capacity, ten thousand dollars (\$10,000), or so much thereof as may be necessary, to be paid from moneys received from the sale of bonds, pursuant to chapter one hundred forty-seven, laws of nineteen hundred three.

For constructing, repairing and maintaining highways and bridges on the various Indian reservations of the state, thirteen thousand five hundred dollars (\$13,500), or so much thereof as may be necessary.

For the repair and improvement of the highway known as the state road, between South Colton and Piercefield, in Saint Lawrence county, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For cleaning out Steel creek in the village of Ilion and constructing a retaining wall for the same between the armory dam and the state dam in said village to prevent overflow from the creek, seven thousand dollars (\$7,000), or so much thereof as may be necessary.

For the construction of a fishway along the face of the state dam upon Beaver river, at Stillwater, upon plans approved by the forest, fish and game commissioner, one thousand two hundred dollars (\$1,200), or so much thereof as may be necessary.

For constructing a breakwater at Cranberry lake, in the county of Saint Lawrence, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For removing dead and floating timber and clearing and rendering safe Saranac river and its tributaries between Lake Flower and the state dam in township twenty-four, Franklin county, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For removing dead and floating timber, and clearing and rendering safe Saranac river between Rainbow dam and Lake Kushaqua, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For removing dead and floating timber from the Deer river flow above the dam at Duane, on lot eighteen, township twelve, old military tract, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For cleaning out and improving the channel of the Genesee river between Rochester and Mount Morris, in the counties of Monroe and Livingston, to permit the free movement of ice and spring floods and to facilitate navigation, five thousand dollars (\$5,000), or so much thereof as may be necessary.

For cleaning out the catch basin of the state dam at the junction of the Bashas Kill and Pine Kill, in the town of Mamakating, Sullivan county, three hundred dollars (\$300), or so much thereof as may be necessary.

For the repair of the state dam and lock in the Saranac river, in the town of Harrietstown, Franklin county, five hundred dollars (\$500), or so much thereof as may be necessary, (being a

portion of the unexpended balance of the appropriation made by chapter four hundred twenty-seven, laws of nineteen hundred, and by chapter six hundred eighty-eight, laws of nineteen hundred one, and reappropriated by chapter six hundred sixteen, laws of nineteen hundred two, and chapter five hundred seventy-three, laws of nineteen hundred three, for the construction of said dam and lock).

For improving defective drainage conditions on the lake level of the Chemung canal between the villages of Watkins and Montour Falls and on Catherine creek and its tributaries at Montour Falls, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary, but in event of a change in the channel of Catherine creek or its tributaries, such changes shall not be made until the property owners affected thereby shall release the state from any and all damage which may result therefrom.

For repairing the pier at the outlet of Keuka lake at Penn Yan, Yates county, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary, in addition to the sum appropriated therefor by chapter four hundred eighty-three, laws of nineteen hundred six.

For completing the dyke along the north bank of the Chemung river from near Columbia street, in the city of Elmira, to the western limits of said city and dyking the banks of Hoffman creek in said city from the mouth thereof to a point near Water street, and repairing the dykes on both sides of the Chemung river in said city heretofore built by the state, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary.

For improving the Cayuga inlet at Ithaca, from the southern side of State street, northerly as far as may be necessary, by widening and deepening, and the construction of dykes or retaining walls where necessary, and for the repair or construction of bridges over the same, seventy-five thousand dollars (\$75,000) which shall be available when the city of Ithaca shall have placed to the credit of the superintendent of public works in a bank to be designated by him such sum, in addition to the seventy-five thousand dollars herein appropriated, as shall be necessary to complete the work in accordance with the plans and specifications prepared by the commission created by chapter three hundred forty-five, laws of nineteen hundred six, when such plans shall have been approved by the superintendent of public works, and when so available shall be payable from the canal fund.

QUARANTINE.

For the health officer of the port of New York for maintenance of the bacteriological laboratory at Quarantine station, for the immediate discrimination of the character of suspected cases of epidemic disease entering the port of New York, six thousand dollars (\$6,000), or so much thereof as may be necessary.

PUBLIC SERVICE COMMISSIONS.

For the use of the public service commissions in the first and second districts, pursuant to the public service commissions, law, three hundred thousand dollars (\$300,000), or so much thereof as may be necessary.

RAILROAD COMMISSION.

The sum of one hundred sixty-six thousand four hundred forty-seven dollars and ninety-nine cents (re. \$166,447.99), being the unexpended balance of an appropriation made by chapter seven hundred, laws of nineteen hundred five, and the sum of one hundred thousand dollars (re. \$100,000), being the unexpended balance of an appropriation made by chapter seven hundred one, laws of nineteen hundred five, for the abolition of grade crossings, are hereby reappropriated for the same purpose.

The sum of seventy-five thousand dollars (re. \$75,000), being the unexpended balance of an appropriation made by chapter seven hundred, laws of nineteen hundred five, to apply toward the abolition of grade crossings in the city of Schenectady, pursuant to chapter three hundred seventy-six, laws of nineteen hundred two, is hereby reappropriated for the same purpose.

For the abolition of grade crossings pursuant to chapter seven hundred fifty-four, laws of eighteen hundred ninety-seven, and the acts amendatory thereof, three hundred thousand dollars (\$300,000), to become available immediately, together with the further sum of two hundred thousand dollars (\$200,000), to become available October first, nineteen hundred seven, or so much thereof as may be necessary.

For the salary of a railroad inspector for the New York office from June first to October first, nineteen hundred seven, six hundred sixty-six dollars and sixty-seven cents (\$666.67), and the salary of a general railroad inspector from June first to October first, nineteen hundred seven, one thousand dollars (\$1,000), or

so much thereof as may be necessary ; which aggregate amount of one thousand six hundred sixty-six dollars and sixty-seven cents shall be refunded to the treasury by the several corporations owning or operating railroads in this state in the manner and proportion prescribed by law.

STATE BOARD OF TAX COMMISSIONERS.

For salaries of special agents, one thousand nine hundred thirty-three dollars and seventy-five cents (\$1,933.75), for expenses of special agents, six hundred fifty-one dollars and fifty-five cents (\$651.55), and for salaries and expenses of expert appraisers, one thousand dollars (\$1,000), or so much thereof as may be necessary, in addition to any other appropriation made therefor.

STATE WATER SUPPLY COMMISSION.

For the salaries of the state water supply commissioners and the consulting engineer of said commission, for August and September nineteen hundred six, five thousand eight hundred thirty-three dollars and thirty-four cents (\$5,833.34).

For expenses and disbursements incurred at the instance of the river improvement commission, or its representatives, for making and preparing maps, plans, assessments and estimates, in connection with the proposed improvement of the Chenango river at Binghamton, four hundred forty dollars (\$440), or so much thereof as may be necessary.

For making preliminary surveys and investigations as provided by sections three and four of chapter seven hundred thirty-four, laws of nineteen hundred four, fifteen thousand dollars (\$15,000).

For making preliminary surveys and investigations along the Genesee river in conformity with the petition of the board of supervisors of Monroe county, and as provided by sections three and four of chapter seven hundred thirty-four of the laws of nineteen hundred four, twenty-five thousand dollars (\$25,000).

For making preliminary surveys and investigations to provide a reservoir or reservoirs for the surplus waters of Deer river in Lewis county, as provided by sections three and four of chapter seven hundred thirty-four, laws of nineteen hundred four, one thousand dollars (\$1,000), or so much thereof as may be necessary.

The last three items, amounting to forty-one thousand dollars, shall be returned to the treasury of the state by the state comptroller when the same shall be paid on assessments on the property benefited.

DEPARTMENT OF WEIGHTS AND MEASURES.

For the salary of the state superintendent of weights and measures, to June first, nineteen hundred seven, one hundred fifty dollars (\$150), for his salary for one year from June first, nineteen hundred seven, one thousand five hundred dollars (\$1,500), and for his actual and necessary traveling expenses incurred in the performance of his official duty, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For stationery, postage, printing, messages, stenographic services and other office expenses, one thousand eight hundred dollars (\$1,800), or so much thereof as may be necessary.

For repairing existing state weights and measures and for the expenses of sending the same to the national bureau of standards for comparison and correction and returning the same, including packing and transportation, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

FISCAL SUPERVISOR OF STATE CHARITIES.

For deficiency in the appropriation for postage and transportation of letters, official documents and other matter sent by express or freight including boxes or covering for same, three hundred fifty dollars (\$350), or so much thereof as may be necessary.

STATE CHARITABLE INSTITUTIONS.

REFUNDS.

The following sums shall be paid from the money paid into the treasury of the state under section thirty-seven of the state finance law, as added by chapter five hundred eighty, laws of eighteen hundred ninety-nine, and the amendments thereto:

For the New York state school for the blind at Batavia, two thousand dollars (\$2,000); for the New York state institution for feeble-minded children at Syracuse, thirteen thousand eighty-nine dollars and thirty-four cents (\$13,089.34); for the New York state reformatory at Elmira, thirty thousand dollars (\$30,000); for the Craig colony for epileptics at Sonyea, thirty-

four thousand eighty-eight dollars and twenty-nine cents (\$34,088.29).

The amount so paid into the state treasury under the provision of such section on account of clothing furnished to inmates, miscellaneous sales and from other sources, excepting the proceeds of the products of industries and farms, shall be expended for maintenance; the amount so paid from the proceeds of the products of the industries and farms of such institutions shall be expended for the development, maintaining and extending of the agricultural and industrial departments thereof.

NEW YORK STATE REFORMATORY, ELMIRA.

For deficiency in maintenance for the fiscal year ending September thirtieth, nineteen hundred seven, made necessary by the increase of salaries of guards, five thousand dollars (\$5,000), or so much thereof as may be necessary.

NEW YORK STATE SOLDIERS' AND SAILORS' HOME, BATH.

To reimburse the maintenance fund for the fiscal year ending September thirtieth, nineteen hundred seven, for the expenditures from it for equipment made necessary by increase of population, nine hundred six dollars and seventy-five cents (\$906.75).

EASTERN NEW YORK REFORMATORY, NAPANOCH.

For furnishings for the superintendent's residence, one thousand dollars (\$1,000), or so much thereof as may be necessary.

THOMAS INDIAN SCHOOL, IROQUOIS.

To reimburse the maintenance fund for the fiscal year ending September thirtieth, nineteen hundred seven, for expenditures from it for a boiler and the setting of the same, one thousand four hundred eighty dollars (\$1,480).

NEW YORK STATE HOSPITAL FOR TUBERCULOSIS, RAY BROOK.

For the New York state hospital for the treatment of incipient pulmonary tuberculosis at Ray Brook, for sanitary floorings in toilet and bathrooms and scullery, one thousand four hundred seventy-five dollars and eighty-six cents (\$1,475.86), or so much thereof as may be necessary.

STATE INDUSTRIAL SCHOOL.

For the salary of a custodian at the state industrial school in Rochester which is about to be vacated by its present occupants, one thousand dollars (\$1,000), or so much thereof as may be necessary.

STATE AGRICULTURAL AND INDUSTRIAL SCHOOL, RUSH.

For concrete foundation in trades and laundry building and superintendent's barn, five thousand dollars (\$5,000), or so much thereof as may be necessary.

CRAIG COLONY FOR EPILEPTICS, SONYEA.

For a pavilion or pavilions for contagious diseases at Craig colony for epileptics at Sonyea to replace one recently destroyed by fire, three thousand six hundred dollars (\$3,600), or so much thereof as may be necessary.

REAPPROPRIATIONS.

The unexpended balances of former appropriations are hereby reappropriated for the same purposes, as follows:

For the Western house of refuge for women at Albion, by chapter seven hundred three, laws of nineteen hundred five, for two cottages, eight hundred forty-nine dollars and twenty cents (re. \$849.20); for assembly hall, two thousand four hundred sixty-one dollars and nine cents (re. \$2,461.09); for repairs and equipment, seven hundred sixty-two dollars and seventy-six cents (re. \$762.76).

For the New York state school for the blind at Batavia, by chapter seven hundred, laws of nineteen hundred five, for laundry equipment, two hundred twenty-nine dollars and seventy-seven cents (re. \$229.77).

For the New York state soldiers' and sailors' home at Bath, by chapter seven hundred three, laws of nineteen hundred five, for alterations in engineering department, including eight-inch exhaust, traps, drips and water-line in basement of mess hall and icehouse, one hundred seventy-five dollars and six cents (re. \$175.06).

For the New York state reformatory for women at Bedford, by chapter seven hundred three, laws of nineteen hundred five, for two cottages for inmates, twelve thousand one hundred ten

dollars and forty cents (re. \$12,110.40); for furnishing and equipment for two cottages, one thousand six hundred fifty-one dollars and sixteen cents (re. \$1,651.16); for cottage for employees, two thousand three hundred twenty-four dollars (re. \$2,324); for duplicate dynamo and engine, one hundred ninety-four dollars and seventy-five cents (re. \$194.75); for repairs and equipment, one hundred eight dollars and eighty-two cents (re. \$108.82).

For the New York state reformatory at Elmira, by chapter seven hundred, laws of nineteen hundred five, for electric cables, wires, et cetera, two hundred sixty-seven dollars (re. \$267); for plumbing, sewage repairs and reconstruction, one thousand three hundred eighty-three dollars and sixty-one cents (re. \$1,383.61); for repairs to electric plant, two hundred forty dollars and twenty-two cents (re. \$240.22); for plumbing in cell blocks, one hundred seventy dollars and eleven cents (re. \$170.11); by chapter seven hundred three, laws of nineteen hundred five, for steam heating plant and conduits, five hundred eighteen dollars and sixty-eight cents (re. \$518.68); for repairs and equipment, one thousand six hundred seventy-one dollars and thirty-four cents (re. \$1,671.34).

For the New York state training school for girls at Hudson, by chapter seven hundred three, laws of nineteen hundred five, for contact bed for sewage disposal plant, one thousand dollars (re. \$1,000).

For Thomas Indian school at Iroquois, by chapter seven hundred three, laws of nineteen hundred five, for plumbing in employees' cottages, one hundred twenty dollars and fifty-five cents (re. \$120.55).

For the New York state custodial asylum at Newark, by chapter seven hundred, laws of nineteen hundred five, for sewage disposal plant, four thousand four hundred ninety-nine dollars and ninety-one cents (re. \$4,499.91); by chapter seven hundred three, laws of nineteen hundred five, for two cottage dormitories, eighteen thousand six hundred twenty-four dollars and five cents (re. \$18,624.05).

For the New York state women's relief corps home at Oxford, by chapter seven hundred, laws of nineteen hundred five, for furnishing cottage D., two hundred four dollars and thirty-two cents (re. \$204.32); for conduits, piping and repairs to steam plant, three hundred fifty-five dollars and sixty-two cents (re. \$355.62).

For the New York house of refuge on Randall's island, by chapter seven hundred, laws of nineteen hundred five, for repairs and equipment, seventy-nine dollars and eighty-five cents (re. \$79.85); for completing steam plant repairs, fifty-six dollars and sixty-six cents (re. \$56.66).

For the New York state hospital for the treatment of incipient pulmonary tuberculosis at Ray Brook, by chapter seven hundred, laws of nineteen hundred five, for equipment of laboratory, three hundred seventy-seven dollars and sixty-nine cents (re. \$377.69); for construction and equipment, two thousand three hundred ninety-six dollars and sixty cents (re. \$2,396.60).

For the state agricultural and industrial school at Rush, formerly appropriated for the state industrial school at Rochester, by chapter seven hundred, laws of nineteen hundred five, for site and buildings, six hundred ninety-two dollars and ninety cents (re. \$692.90); by chapter seven hundred three, laws of nineteen hundred five, for fruit trees and plants, one hundred sixty-six dollars and ten cents (re. \$166.10); for five cottages, eighty-nine dollars and forty-three cents (re. \$89.43).

For the Craig colony for epileptics at Sonyea, by chapter seven hundred, laws of nineteen hundred five, for dormitories, four hundred twenty-five dollars and eight cents (re. \$425.08); by chapter seven hundred three, laws of nineteen hundred five, for dormitories for two hundred patients, thirty-six thousand four hundred sixty-nine dollars and eighty-eight cents (re. \$36,469.88); for hospital instruments, books and equipment, two hundred forty-four dollars and sixty-nine cents (re. \$244.69).

For the New York state hospital for the care of crippled and deformed children at West Haverstraw, by chapter seven hundred three, laws of nineteen hundred five, for sewers and connections, one thousand one hundred sixty-three dollars and thirty cents (re. \$1,163.30).

For the eastern New York reformatory at Napanoch, by chapter seven hundred, laws of nineteen hundred five, for window guards, new mess hall, six hundred three dollars and ninety-two cents (re. \$603.92); for the purchase of land damaged by change of water-course, one thousand four hundred dollars (re. \$1,400); by chapter seven hundred four, laws of nineteen hundred five, for grading and improving grounds, six hundred twenty-seven dollars and forty-five cents (re. \$627.45); for furnishing mess hall and kitchens, eight hundred thirty-five dollars

and eighty-nine cents (re. \$835.89); for furnishing and equipping storehouse, eight hundred sixteen dollars and forty-nine cents (re. \$816.49); for furnishing and equipping physician's office, one hundred fifty dollars (re. \$150); for two boilers, three thousand dollars (re. \$3,000); for trade school and shop building, two thousand four hundred eighty-six dollars and twenty-five cents (re. \$2,486.25).

The following unexpended balances of former appropriations are hereby reappropriated for the purposes stated, as follows:

For the New York state reformatory at Elmira, by chapter one hundred forty-five, laws of nineteen hundred five, for buildings and equipment destroyed by fire, one thousand five hundred forty-five dollars and fifty-one cents (re. \$1,545.51), is reappropriated for repairs and equipment, by chapter seven hundred, laws of nineteen hundred five, for spillway, three hundred seventy-five dollars and forty cents (re. \$375.40), is reappropriated for plumbing, sewage repairs and reconstruction.

For the New York state woman's relief corps home at Oxford, by chapter seven hundred, laws of nineteen hundred five, cottage for farmer, one thousand three hundred one dollars and forty-five cents (re. \$1,301.45), is reappropriated for vegetables cellar; by chapter seven hundred three, laws of nineteen hundred five, for direct connected engine and dynamo, one thousand eight hundred sixty-four dollars and forty-one cents (re. \$1,864.41), is reappropriated for repairs and equipment.

For the New York house of refuge on Randall's island, by chapter three hundred seventy-four, laws of nineteen hundred six, for electric equipment, five thousand dollars (re. \$5,000), is reappropriated for repairs, equipment and window sash.

MISCELLANEOUS.

NEW YORK MONUMENTS COMMISSION.

For salaries of engineer and secretary and necessary employees, and for such other expenses as may be required for the work of said commission, including actual and necessary traveling and other contingent expenses incurred by said commissioners in the discharge of their duties, and for compensation for their services, as provided by section six of chapter three hundred seventy-one, laws of eighteen hundred ninety-four, and chapter two hundred sixty-nine, laws of eighteen hundred eighty-seven, nine thousand dollars (\$9,000), or so much thereof as may be necessary.

For transportation to Gettysburg of fifty survivors of each of the nine New York regiments represented in the "night fight" on Culp's Hill, July second, eighteen hundred sixty-three, to be designated by their respective regimental organizations, to attend the dedication of the statue of Brevet Major-General George Sears Greene, deceased, erected by the state on the battlefield, together with the governor, the family of General Greene, and invited guests, eight thousand dollars (\$8,000), or so much thereof as may be necessary, to be paid by the treasurer on the warrant of the comptroller on vouchers approved by the commission.

For the purchase of land for a suitable site on the battlefield of Antietam, Maryland, for a proposed monument to the New York troops which took part in the battles of Antietam and in the passes of South Mountain, September fourteenth and seventeenth, eighteen hundred sixty-two, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary, to be paid by the treasurer on the warrant of the comptroller upon vouchers approved by the commission.

For the erection of a suitable monument in the national cemetery at Cold Harbor, Virginia, to commemorate the services of the Eighth New York Heavy Artillery which was engaged in the battle of Cold Harbor, Virginia, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary, to be paid by the treasurer on the warrant of the comptroller upon vouchers approved by the commission.

STATE FAIR COMMISSION.

For the state fair commission for the payment of premiums at the state fair to be held in the year nineteen hundred seven, thirty thousand dollars (\$30,000), or so much thereof as may be necessary. In addition thereto said commission is authorized to pay from the race and other entry fees, gate admissions and other receipts of such fair such expenses as shall be necessary for the proper conduct of the fair, vouchers for which approved by said commission shall be filed with, and the remainder of such receipts paid to the comptroller, on or before the first day of January thereafter.

BOARD OF STATUTORY CONSOLIDATION.

For completing the work of the board and the preparation of its report, to be presented to the legislature prior to February first, nineteen hundred eight, twelve thousand dollars (\$12,000), or so much thereof as may be necessary.

STATE PROBATION COMMISSION.

For the salaries of the secretary, stenographer and other employees of the state probation commission to be appointed pursuant to chapter four hundred thirty, laws of nineteen hundred seven, and for the actual and necessary expenses of said commission until September thirtieth, nineteen hundred eight, seven thousand five hundred dollars (\$7,500), or so much thereof as may be necessary, of which the secretary shall be paid a salary to be fixed by the commission of not to exceed three thousand dollars per year.

VARIOUS.

For the actual and necessary expenses incident to the services held in the assembly chamber on the evening of April eighth, nineteen hundred seven, pursuant to a concurrent resolution of the legislature, in memory of the late governor, Frank Wayland Higgins, one thousand four hundred eighteen dollars (\$1,418), or so much thereof as may be necessary, payable upon the certificate of the chairman of the joint committee of the legislature under whose direction the services were held.

For reimbursing the county of Onondaga for expenses incurred in investigating and prosecuting Edward L. Mooney as school commissioner of the city of Syracuse, charged with receiving bribes while acting as such official, four thousand nine hundred ninety-two dollars and forty-eight cents (\$4,992.48), or so much thereof as may be necessary, pursuant to section six of article thirteen of the constitution.

For the department of New York grand army of the republic, for incidental office expenses, including postage, printing, telegraph and telephone charges, one thousand five hundred dollars (\$1,500), or so much thereof as may be necessary.

For deficiency in the appropriation for services to and expenses of the commission to investigate the probation system, appointed pursuant to chapter seven hundred fourteen, laws of nineteen hundred five, one hundred dollars (\$100), or so much thereof as may be necessary.

For deficiency in the appropriation for the commission appointed to investigate the condition of the blind, pursuant to chapter six hundred seventy-one, laws of nineteen hundred six, two thousand six hundred dollars (\$2,600), or so much thereof as may be necessary.

For deficiency in the appropriation for the commission to inquire into the subject of taxation, appointed pursuant to chapter three hundred forty-six, laws of nineteen hundred six, two thousand six hundred sixty-two dollars and fifty-five cents (\$2,662.55), or so much thereof as may be necessary.

For deficiency in the appropriation for the erection of a monument to the late President William McKinley, in Buffalo, including the claim of George W. Maltby, four thousand nine hundred forty-eight dollars and seventy-six cents (\$4,948.76), or so much thereof as may be necessary.

For the payment of services and disbursements authorized and expenses incurred by the attorney-general pursuant to law prior to January first, nineteen hundred seven, in the actions in the circuit court of the United States for the southern district of New York brought to restrain the officers charged by law with the execution of the provisions of chapter one hundred twenty-five, laws of nineteen hundred six, forty-seven thousand eight hundred fifty-four dollars and ninety-four cents (\$47,854.94), or so much thereof as may be necessary, to be audited by the comptroller upon the certificate of the attorney-general then in office.

For the payment of services and disbursements authorized and expenses incurred by the attorney-general pursuant to law between January first, nineteen hundred five, and December thirty-first, nineteen hundred six, inclusive, other than those specified in the last paragraph, thirty-five thousand dollars (\$35,000), or so much thereof as may be necessary, to be audited by the comptroller upon the certificate of the attorney-general then in office.

For the payment of disbursements authorized and incurred by attorneys-general pursuant to law, prior to January first, nineteen hundred five, one thousand nine hundred eighteen dollars and fifty-eight cents (\$1,918.58), or so much thereof as may be necessary.

For Julius M. Mayer, for services and disbursements incurred subsequent to January first, nineteen hundred seven, in the proceedings brought to determine the constitutionality of chapter four hundred thirty-one, laws of nineteen hundred six, and for the argument thereon in the court of appeals, one thousand dollars (\$1,000).

For the payment of the judgment in the proceeding brought to determine the constitutionality of chapter four hundred

thirty-one, laws of nineteen hundred six, against John F. O'Brien, secretary of state, in favor of William L. Sherrill and Murlin S. Smallwood entered in the Albany county clerk's office May sixth, nineteen hundred seven, six hundred sixty-four dollars and eighty-eight cents (\$664.88).

For the payment of the judgment in the proceeding brought to determine the constitutionality of chapter four hundred thirty-one, laws of nineteen hundred six, against John F. O'Brien, secretary of state, in favor of Walter Pendleton entered in the Albany county clerk's office April twenty-fourth, nineteen hundred seven, three hundred twenty-two dollars and ninety-five cents (\$322.95).

For the payment of the judgment in the proceeding brought to determine the constitutionality of chapter four hundred thirty-one, laws of nineteen hundred six, against John F. O'Brien, secretary of state, in favor of George E. Payne and Harry C. Perley entered in the Albany county clerk's office May second, nineteen hundred seven, five hundred sixty-six dollars and seventy-one cents (\$566.71).

For the expenses of the commissioners appointed under the concurrent resolution of the senate and assembly adopted April fifteenth, nineteen hundred seven, to confer with commissioners of the state of Vermont and of the dominion of Canada in relation to the observance of the tercentenary of the discovery of Lake Champlain, two thousand dollars (\$2,000), or so much thereof as may be necessary.

For the Legislative Index Publishing company, for copies of the New York legislative index furnished to the governor and members of the legislature during the session of nineteen hundred seven, one thousand five hundred dollars (\$1,500).

For Anna L. Scherer, widow of Robert G. Scherer, late miscellaneous reporter, to reimburse his estate for the deficiency in the appropriations for the miscellaneous reporter paid by him while holding that office, for the fiscal years beginning October first, nineteen hundred one, and ending September thirtieth, nineteen hundred five, four thousand twelve dollars and forty-three cents (\$4,012.43), or so much thereof as may be necessary.

For James C. Marriot, stenographer of the senate, for reporting the proceedings before the senate judiciary committee upon the recommendation of the governor for the removal of Otto Kelsey as superintendent of insurance, and for the transcripts of

the testimony furnished by him pursuant to agreement with the chairman of the committee, two thousand eight hundred forty-seven dollars (\$2,847), or so much thereof as may be necessary.

For Owen L. Potter for preparing the table of laws amended and repealed by the laws of nineteen hundred six, which were published in the session laws of nineteen hundred six as a part of the index thereof, three hundred dollars (\$300).

For the salary of the superintendent of Onondaga salt springs, as provided by chapter twenty-seven, laws of eighteen hundred ninety-eight, one thousand five hundred dollars (\$1,500).

For the care and maintenance of the Clinton house at Poughkeepsie, two hundred dollars (\$200), and for repairs thereto, three hundred dollars (\$300), or so much thereof as may be necessary.

For the maintenance and medical care by the Albany hospital or by the Saint Peter's hospital or by the Homeopathic hospital of such officers, members and employees of the several branches, departments, and bureaus of the state government located in Albany, as may be injured or become sick, while in the performance of their duties, one thousand dollars (\$1,000), or so much thereof as may be necessary; provided such persons shall have been admitted to such hospitals upon the certificate of the superintendent of public buildings acting under such rules and regulations as may be established therefor by the trustees of public buildings, and provided also that a proper certificate of disability shall have been filed with the superintendent of public buildings signed by a member of the attending staff of the hospital who shall have been designated by such superintendent for such purpose.

For the secretary of the state charities building commission for services, five hundred dollars (\$500).

For the lieutenant governor and the speaker of the assembly, for their actual and necessary traveling expenses in the performance of their duties on the several boards of which they are members, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

For the health officer of the port of New York, for the purpose of repairing the roofs of the buildings under his control, at Fire Island, five hundred dollars (\$500), or so much thereof as may be necessary.

For the necessary expenses of the commission appointed pur-

suant to chapter seven hundred eighteen, laws of nineteen hundred four, as amended by chapter six hundred seventeen, laws of nineteen hundred six, to select a site for the New York state training school for boys, for surveying and mapping the lands of such site, and for the actual and necessary traveling expenses of the members of the commission while engaged in the performance of their duties as such, one thousand dollars (\$1,000), or so much thereof as may be necessary.

The sum of one thousand dollars (re. \$1,000) appropriated by chapter seven hundred, laws of nineteen hundred five, for the erection of a memorial column in the memorial portico of the memorial continental hall at Washington, D. C., is hereby re-appropriated together with one thousand dollars (\$1,000) in addition thereto which is hereby appropriated for the same purpose, to be paid by the treasurer on the warrant of the comptroller on proper vouchers duly certified by the president general of the national association of the Daughters of the American Revolution.

For the salary of the caretaker of the state reservation at Stony Point, for water rent, for insurance on buildings, and for the maintenance of the grounds, one thousand dollars (\$1,000), or so much thereof as may be necessary.

For the salary of the caretaker and maintenance of the Sir William Johnson home, seven hundred fifty dollars (\$750), or so much thereof as may be necessary.

For the salary of the caretaker or superintendent of Watkins Glen, one thousand dollars (\$1,000).

For permanent repairs and betterments in Watkins Glen, as follows: for stairs, two thousand nine hundred fifty-eight dollars (\$2,958); for railing, four thousand four hundred fifty-five dollars (\$4,455); for bridges, one thousand fifty dollars (\$1,050); for rock excavation, concrete and general repairs, eight thousand five hundred forty-four dollars (\$8,544).

For the New York state college of agriculture at Cornell university for completion of the equipment of the buildings erected by the state, and for apparatus, materials and supplies to be used in connection with the same, fifty thousand dollars (\$50,000), for the erection and equipment of barns for horses, cattle, sheep, swine and poultry and for farm implements, twenty-five thousand dollars (\$25,000), or so much thereof as may be necessary.

For the New York school of agriculture at Saint Lawrence university, for salaries and maintenance, ten thousand dollars (\$10,000), or so much thereof as may be necessary.

For necessary repairs to Grant cottage on Mount McGregor, for care and maintenance of the grounds surrounding the same, and for care of, and improvements to, the highway leading thereto, two hundred fifty dollars (\$250), or so much thereof as may be necessary.

For the commissioners of the Jamestown ter-centennial exposition for the purposes authorized by chapter seven hundred twenty-one, laws of nineteen hundred five, seventy-three thousand dollars (\$73,000) to be paid by the treasurer on the warrant of the comptroller as provided in section four of said chapter. The commissioners are hereby authorized after the close of the exposition to sell the New York state building and its furnishings and appurtenances, and the proceeds therefrom shall be paid into the state treasury.

For William Henry Dennis, for services rendered to the attorney-general in connection with certain actions in the United States supreme court from November, eighteen hundred ninety-eight, to April, nineteen hundred one, five hundred dollars (\$500).

For Fred O. Priest, for moneys retained by the New York State reformatory at Elmira, sixty-five dollars (\$65), to be paid upon the approval of the superintendent of reformatories.

For Job E. Hedges, for services and disbursements in the investigation by direction of the governor, of the causes of the disaster on the Harlem division of the New York Central railroad, on February sixteenth, nineteen hundred seven, two thousand five hundred dollars (\$2,500), or so much thereof as may be necessary, to be paid on the certificate of the governor.

The sum of four hundred dollars (re. \$400), being the unexpended balance of an appropriation made by chapter seven hundred one, laws of nineteen hundred five, for extra stenographic and clerical services for the finance committee of the senate, is hereby reappropriated for the same purpose, to be paid on the certificate of the chairman.

For the care, maintenance, repairs and improvements of Saratoga monument and grounds connected therewith, to be expended under the supervision of the comptroller, pursuant to the provisions of chapter five hundred fifty-five, laws of eighteen hundred ninety-five, four hundred dollars (\$400), or so much thereof as may be necessary.

§ 2. No manager, trustee or other officer of any state, charitable or other institution receiving moneys under this act from the

state treasury for maintenance and support shall be interested in any purchase, sale or contract made by any officer for any of said institutions.

In accounts for repairs or new work not done under contract provided for in this act the name of each workman, the number of days he has been employed, and the rate and amount of wages paid to him shall be given. If contracts are made for repairs or new work, or for supplies, duplicates thereof, with specifications, shall be filed with the comptroller.

Moneys herein appropriated or reappropriated for building or structural work, or for the repair, improvement or furnishing thereof, or for the purchase or improvement of grounds, or for labor, salaries or maintenance shall only be advanced to the proper authorities as the work progresses or the purchase is made and upon bills duly certified, rendered and audited.

§ 3. This act shall take effect immediately.

APPENDIX II.

EXTRAORDINARY SESSION.

EXTRAORDINARY SESSION.

STATE OF NEW YORK:

ASSEMBLY CHAMBER,

IN THE CITY OF ALBANY, *Monday, July 8, 1907.*

Pursuant to the proclamation of the Governor, Assembly convened in the Assembly chamber in the city of Albany and was called to order by the Speaker, by whose direction the following proclamation was read:

PROCLAMATION.

STATE OF NEW YORK — EXECUTIVE CHAMBER.

Pursuant to the power vested in me by section 4 of article 4 of the Constitution, I hereby convene the Legislature in Extraordinary Session at the Capitol in the city of Albany on Monday the eighth day of July, 1907, at half-past eight o'clock, post meridian.

Given under my hand and the privy seal of the State at the Capitol in the city of Albany, this second day of July in the year of our Lord one thousand nine hundred and seven.

CHARLES E. HUGHES.

By the Governor,

ROBERT H. FULLER,

Secretary to the Governor.

Prayer by the Rev. Charles W. Heisler.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Apgar	Draper	Hackett	Mills	Shuttleworth
Averill	Dudley	Haines	Moreland	Sinclair
Baldwin	Eagleton	Hamn	Morgan	Smith A E
Blue	Eggleston	Harper	Nevins	Smith C
Bohan	Eichhorn	Harris	Newton	Stanton
Boshart	Farrell	Hoey	Norton	Stratton
Brough	Fay	Holmes	O'Briar	Wainwright
Brown	Filley	Hubbs	Oliver	Weimert
Burhyte	Foley C F	Hurd	Patton	Wells
Burns	Fowler	Lansing	Phillips	West
Collins	Frisbie	Lewis	Prentice	Whitney F G
Conrady	Ganly	Lowe	Ralston	Whitney G H
Cuvillier	Garbe	Lupton	Reece	Winters

De Groot	Geoghagan	Maher	Robinson	Wood
Dominy	Glynn	Mance	Rogers	Young
Donnelly	Gray	Mead	Schoeneck	Speaker
Dowling	Gunderman	Merritt	Schwegler	

Mr. Moreland offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Governor, and notify him that the Assembly is organized in extraordinary session, and ready to proceed to business.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee, Messrs. Moreland and Oliver.

Mr. Rogers offered for the consideration of the House, a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Senate and inform that body that the Assembly is organized in extraordinary session, and ready to proceed to business.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee, Messrs. Rogers and Burns.

Messrs. Wilcox and McCall, a committee from the Senate appeared and announced that the Senate was convened in extraordinary session and ready to proceed to business.

Mr. Rogers, from the committee appointed to wait upon the Senate, reported that they had performed that duty.

Mr. Moreland, from the committee appointed to wait upon the Governor, reported that they had performed that duty.

Mr. Mance offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of five be appointed to draft resolutions and arrange for suitable memorial services in honor of the late Hon. George William Hastings, whose recent and untimely death we all deplore.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Prentice offered for the consideration of the House a resolution, in the words following:

Resolved, That the Speaker of the Assembly be, and hereby is, empowered to designate and appoint such officers and employees as may be required to serve during the extraordinary session of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Apgar	Dudley	Hammond	Mills	Shuttleworth
Averill	Eagleton	Hamn	Mooney	Sinclair
Baldwin	Eggleston	Harper	Moreland	Smith A E
Blue	Eichhorn	Harris	Morgan	Smith C
Boshart	Farrell	Hart	Nevins	Stern
Brough	Ferguson	Hoey	Newton	Stevenson
Brown	Feth	Holmes	Norton	Surpless
Buckley	Filley	Hubbs	O'Brian	Waddell
Burhyte	Foley C F	Hurd	Oliver	Wainwright
Burns	Foley J A	Huth	Parker	Waters
Cavanaugh	Fowler	Jackson	Patton	Weber
Collins	Frisbie	Lansing	Phillips	Weimert
Colné	Ganly	Lewis	Prentice	Wells
Conklin	Garbe	Lowe	Ralston	West
Conrady	Geoghagan	Lupton	Reece	Whitley
Cuvillier	Glore	Maher	Robinson	Whitney F G
De Groot	Glynn	Mallon	Rogers	Whitney G H
Dominy	Gray	Mance	Schoeneck	Winters
Donnelly	Gunderman	Mead	Schulz	Wood
Dowling	Hackett	Merritt	Schwegler	Young
Draper	Haines			

Pursuant to the foregoing resolution, Mr. Speaker announced the designation and appointment of the following officers and employees for the extraordinary session:

Clerk, A. E. Baxter.

Assistant Clerk, Ray B. Smith.

Journal Clerk, W. K. Mansfield.

First Assistant Index Clerk, John A. Cole.

Financial Clerk, G. A. Matteson.

Speaker's Clerk, E. W. Moses.

Committee Clerk, H. M. Prowda.

Sergeant-at-Arms, Frank W. Johnson.

Principal Doorkeeper, Ward T. Clute.

First Assistant Doorkeeper, Andrew Kean.
 Second Assistant Doorkeeper, William Balis.
 Assistant Doorkeeper, Myron A. Phelps.
 Assistant Doorkeeper, George W. Shelland.
 Assistant Doorkeeper, Charles Gardner.
 Assistant Doorkeeper, Warren M. Harvey.
 Janitor, William H. Butler.
 Assistant Janitor, A. V. Mood.
 Postmaster, John S. Horrington.
 Assistant Postmaster, Byron P. Shutts.
 Official Stenographer, Henry C. Lammert.
 Clerk's Stenographer, H. M. Hoyt.
 Messenger, R. C. Derrick.
 Chief Messenger in Charge Pages, James H. Millard.
 Page, Charles Minikhein.
 Page, William G. Baxter.
 Page, Wesley Ostrander.
 Page, James McIntosh.
 Page, Earl Bush.
 Page, George Hutchinson.
 Page, George Brown.
 Page, Charles Eisen.

A message from the Governor, by the hand of his secretary, was received and read, in words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, July 8, 1907.

To the Legislature:

I have convened you in extraordinary session in order that provision might be made for an apportionment of Senators and Members of Assembly in accordance with the requirements of the Constitution, and I recommend that subject for your consideration.

It is not my purpose to propose a particular plan of apportionment. It is the function of the Legislature to formulate such plan and submit it by suitable bill for executive action.

The constitutional powers and obligations of the Legislature with respect to this matter have been clearly defined by the Court of Appeals. The import of the decision of the court was thus stated in my message of May 1st:

"The Constitution contains certain mandatory provisions, and others which leave opportunity for the exercise of legislative discretion. It is, of course, impossible to divide the State with

mathematical exactness. The recognition, in the manner required by the Constitution, of county, town and block lines, prevents an apportionment which would result in absolute equality of representation. But as Judge Chase says: 'As the discretion of the Legislature relating to the relative number of inhabitants in Senate districts arises from necessity, it should cease where the necessity for discretion ends.' The history of constitutional changes in regard to legislative apportionments, as the learned judge points out, 'shows a gradual withdrawal from the Legislature of discretionary power and a continued adding,' of constitutional limitation. The conclusion is inevitable, 'that the minimum of discretion necessary to preserve county and other lines and to give reasonable consideration to the other provisions of the Constitution is left to the Legislature.

"The matter is not one of personal preference or of individual interests, nor does it rest in large political discretion. It was wholly to eliminate such considerations that the people, in adopting the new Constitution, so strictly limited the legislative power. As the Court of Appeals said in *Matter of Smith v. Board of Supervisors* (148 N. Y. 187): 'The evil sought to be remedied by the new Constitution was to prevent those gross discrepancies in apportionment and representation that had long been a public scandal and a reproach to the good name of the State.'

"The people are entitled to have a perfectly fair apportionment in accordance with the letter and the spirit of the Constitution. No considerations are paramount to this just requirement."

The failure to provide a suitable apportionment at the regular session in the absence of any public reason, has been a serious disappointment to the people. To avoid further public inconvenience, it is of great importance that the matter should now be disposed of promptly. Obviously such a question, involving political consequences, gives rise to a conflict of interests, and its solution cannot be hoped for without personal sacrifices. But the test of public spirit lies in the readiness to make such sacrifices and the people have a right to demand, and do emphatically demand, that public duty shall not be subordinated to personal interest or convenience.

I also recommend for your consideration and action, the question of an amendment of the Primary Election Law so as to make adequate provision whereby nominations of candidates for public office may be made directly at primary elections.

In my first message to the Legislature I said:

"It was apparently the intent of the Primary Election Law (section 12) to give to a general committee representing a party in any city or village or in a county wholly within any city, or

in a borough, authority to adopt a rule that the nominations of the party's candidates for specified offices should be made by the enrolled members at the primary elections. On account of other provisions of law doubt has been cast upon its scope and effect. To provide an opportunity for a suitable trial of the system of direct nominations I recommend that an amendment be passed providing with sufficient clearness that any general committee of a party may adopt a rule providing for direct nominations and that thereupon voting at the primaries shall be upon an official ballot printed at the public expense. It is probable that under an unambiguous law of this kind the method will be adopted in one or more important counties and there will thus be furnished a satisfactory test of the desirability of having a system of nominations by direct primary vote. Our own experience will then enable us to determine the wisdom of its extension.

Provision was made at the regular session for an official primary ballot, but not for direct nominations. I recommend that provision be made for the latter, and for the reasons already stated and in order that the movement which promises an important reform should be encouraged in a suitable manner, the measure should be of an optional character.

CHARLES E. HUGHES.

Said message was ordered laid upon the table.

Mr. Moreland offered for the consideration of the House a resolution, in the words following:

Resolved, That when this House adjourns, it be until Wednesday, July 10, 1907, at 11 o'clock A. M.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Phillips offered for the consideration of the House a resolution, in the words following:

Resolved, That the Speaker be authorized to appoint a committee of five members, to be known as a committee on apportionment, to have cognizance of all matters pertaining to apportionment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Moreland, the House adjourned out of respect to the memory of the late George William Hastings.

WEDNESDAY, JULY 10, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Heisler.

On motion of Mr. Moreland, the reading of the journal of Monday, July 8, 1907, was dispensed with, and the same was approved.

Mr. Green introduced a bill entitled "An act to amend the Primary Election Law, in relation to direct nominations and to provide for the expense thereof" (Int. No. 1), which was read the first time and referred to the committee on the judiciary.

Mr. C. F. Foley introduced a bill entitled "An act to provide for party nominations by direct vote" (Int. No. 2), which was read the first time and referred to the committee on the judiciary.

Mr. Speaker announced that pursuant to resolution of Assembly, adopted on the eighth day of July, nineteen hundred and seven, he designated and appointed William V. Ross as assistant journal clerk for the extraordinary session, said designation and appointment to take effect immediately.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *July 8, 1907.*

Whereas, The Attorney-General has given as his opinion that an election of Senators is necessary this year under the constitutional apportionment of 1894, and presumably he would hold such election necessary under any new apportionment made this year; and

Whereas, It is believed by many that an apportionment cannot be made at an extraordinary session of the Legislature, and also that no apportionment would be valid unless made by a Legislature elected from the Assembly and senatorial districts as established by the constitutional apportionment of 1894; therefore,

Resolved (if the Assembly concur), That the judiciary committees of the Senate and Assembly be directed to jointly consider the questions involved, and report their conclusion to the Legislature at the earliest moment possible.

By order of the Senate.

LAFAYETTE B. GLEASON,
Clerk.

Mr. Moreland moved to lay said message upon the table.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Pursuant to resolution, Mr. Speaker appointed Messrs. Mead of Albany, G. H. Whitney of Saratoga, Hamn of Wayne, Mills of Fulton and Hamilton and Burns of New York as a committee on apportionment.

Pursuant to resolution, Mr. Speaker appointed Messrs. Mance of Orange, Apgar of Westchester, Rogers of Broome, Burns of New York and A. E. Smith of New York as a committee to arrange a suitable memorial service of the late George William Hastings.

On motion of Mr. Moreland, the House adjourned until Thursday, July 11th, at 11 o'clock a. m.

THURSDAY, JULY 11, 1907.

The House met pursuant to adjournment.

Prayer by Rev. James N. Knipe.

On motion of Mr. Moreland, the reading of the journal of yesterday was dispensed with, and the same was approved.

On motion of Mr. Moreland, the House adjourned until Friday, July 12th, at 10 o'clock a. m.

FRIDAY, JULY 12, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Ira M. Derrick, Rensselaer.

On motion of Mr. G. H. Whitney, the reading of the journal of yesterday was dispensed with, and the same was approved.

A message from the Governor by the hand of his secretary was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,
ALBANY, July 12, 1907.

To the Legislature:

I recommend for your consideration the subject of making a suitable appropriation for expert examination of the site of the State Fair at Syracuse and the preparation of suitable plans for an adequate scheme of development.

The State Fair is an enterprise too important to be permitted to develop except with reference to some carefully devised and comprehensive plan. While appreciating the intelligent direction under which the Fair has been brought to its present high degree of usefulness, I believe the time has come when plans for the future should be matured under expert guidance, so that as buildings are provided from time to time and provision is made for the various interests of the Fair, they all may have relation to a suitable general scheme. This matter should be taken in hand promptly so that the needed extension of facilities should not be delayed and at the same time all the advantages of method and foresight should be secured.

I have disapproved the item in the bill passed at the last session for a new exposition building with the idea that the subject can immediately be dealt with and under expert direction plans can be made pursuant to which the required appropriations can be provided early in the next session of the legislature. This procedure, I believe, will prove of great advantage and insure the development of the Fair, in which all citizens should be interested, in the most satisfactory manner.

I also recommend for your consideration the subject of making provision, by suitable appropriation, for necessary repairs and replacements to establish telephonic communication between the quarantine station on Staten and Hoffman Island, and also between Hoffman Island and Swinburne Island.

Owing to the bad condition of the present cable the quarantine station is now without means of communication with the islands save by boat. It is obvious that this is not only a matter of inconvenience, but might easily prove to be of the most serious embarrassment to the operations of the quarantine establishment in time of emergency. The matter is urgent and cannot properly be left to the next session of the legislature.

CHARLES E. HUGHES.

On motion of Mr. G. H. Whitney, said message was ordered laid upon the table.

On motion of Mr. G. H. Whitney, the House adjourned until Monday, July 15th, at 8:30 o'clock p. m.

MONDAY, JULY 15, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Heisler.

On motion of Mr. Moreland, the reading of the journal of Friday, July 12, 1907, was dispensed with, and the same was approved.

Mr. Ralston introduced a bill entitled "An act to amend the Primary Election Law, in relation to direct nominations and to provide for the expense thereof" (Int. No. 3), which was read the first time and referred to the committee on the judiciary.

On motion of Mr. Moreland, the House adjourned until Tuesday, July 16th, at 11 a. m.

TUESDAY, JULY 16, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Alfred Eaton.

On motion of Mr. Moreland, the reading of the journal of yesterday was dispensed with, and the same was approved.

On motion of Mr. Moreland, the House adjourned until Wednesday, July 17th, at 11 o'clock a. m.

WEDNESDAY, JULY 17, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Heisler.

On motion of Mr. Moreland, the reading of the journal of yesterday was dispensed with, and the same was approved.

A message from the Governor, by the hand of his secretary, was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,
ALBANY, July 17, 1907.

To the Legislature:

I recommend the following subjects for your consideration:

1. Amendment of the Greater New York charter so as to provide that whenever the Comptroller of the city has been unable to sell at public sale any portion of the bonds and corporate stock duly offered, such portion may be sold by him at private sale for not less than their par value.

On account of the recent failure of an offer of corporate stock, the Comptroller is urgent that such amendment be procured and expresses confidence in his ability to dispose of four per cent. corporate stock at private sale at not less than par. The board of estimate and apportionment has adopted a resolution favoring the amendment. It has been urged upon me that unless this relief is secured it will be necessary for the authorities to fix a higher rate of interest, and that this will be seriously prejudicial to the interests of the city. Opinion seems to be divided as to the wisdom of the proposed amendment, many fearing that it will open the door to collusion. In other important jurisdictions, however, public securities may be sold at private sale. And there are two important checks in the requirements that the bonds shall not be sold for less than their par value and must first be duly offered at public sale. The responsibility of conferring power is with the Legislature; the responsibility of its due exercise is with the municipal authorities. In view of existing financial conditions and the importance of the matter to the city of New York, I am constrained to submit it to your careful consideration.

2. Amendment of the Greater New York charter so as to make suitable provision for new aldermanic districts. The present districts established many years ago do not properly conform to the present distribution of population, and redistricting is necessary in order to secure a fair equality of representation.

3. Amendment of section 856 of the Code of Civil Procedure so as to provide a method for unquestioned constitutionality for punishment for contempt. This is most important in order to make non-judicial examinations effective.

4. Provision for relief urgently needed, as it is represented to me, by certain communities, as follows:

By providing that the town of West Seneca may issue bonds at a rate of interest not exceeding five per centum per annum for the construction of sewers and disposal plant. It appears that the town has not been able to dispose of the short-term certificates of indebtedness provided for at the regular session, and that the case is one of extreme urgency.

By providing that the city of Lockport may sell bonds bearing interest at a rate not exceeding five per centum per annum in order to complete its water works system.

By legalizing bonds of the village of Geneseo issued for general village and fire department purposes.

CHARLES E. HUGHES.

Mr. Speaker announced that pursuant to resolution of the Assembly, adopted on the 8th day of July, 1907, be designated and appointed the following additional officers and employees for the extraordinary session, said appointments and designations to take effect immediately:

Stenographer to Minority Leader, James Murray.

Page, Vivany Moore.

By unanimous consent, Mr. Moreland introduced a bill entitled "An act making an appropriation for a submarine cable between Staten Island and Hoffman Island, and between Hoffman Island and Swinburne Island," (Int. No. 4), which was read the first time.

On motion of Mr. Moreland, and by unanimous consent, said bill was read a second time, ordered to a third reading and referred to the committee on ways and means.

On motion of Mr. Moreland, and by unanimous consent, the committee on ways and means was discharged from further consideration of said bill which was ordered printed and engrossed and placed on the order of third reading.

On motion of Mr. Moreland, the House adjourned until Thursday, July 18th, at 11 o'clock a. m.

THURSDAY, JULY 18, 1907.

The House met pursuant to adjournment.

Prayer by Rev. M. L. Tate, Berne.

On motion of Mr. Mead, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Robinson introduced a bill entitled "An act to amend the Greater New York charter, relative to aldermanic districts, the division of the city into the same and the boundaries thereof and to districts for home rule and local improvements" (Int. No. 5), which was read the first time and referred to the committee on affairs of cities.

Mr. C. F. Foley introduced a bill entitled "An act authorizing the city of Lockport to issue bonds, for the purpose of acquiring property for a right of way; constructing a distributing main; and for other purposes necessary in acquiring and constructing the system of water works, now under contract for construction, for said city" (Int. No. 6), which was read the first time.

On motion of Mr. C. F. Foley, and by unanimous consent, said bill was read a second time, ordered to a third reading and referred to the committee on affairs of cities.

On motion of Mr. C. F. Foley, and by unanimous consent, the committee on affairs of cities was discharged from further consideration of said bill, which was ordered printed and engrossed and placed on the order of third reading.

Mr. Hamn introduced a bill entitled "An act to legalize certain bonds of the village of Geneseo" (Int. No. 7), which was read the first time.

On motion of Mr. Hamn, and by unanimous consent, said bill was read a second time, ordered to a third reading, and referred to the committee on the judiciary.

On motion of Mr. Hamn, and by unanimous consent, the committee on the judiciary was discharged from further consideration of said bill, which was ordered printed and engrossed, and placed on the order of third reading.

Mr. Moreland introduced a bill entitled "An act providing for the preparation of plans for an adequate scheme of development of the State fair grounds and buildings at Syracuse, and making

an appropriation therefor" (Int. No. 8), which was read the first time.

On motion of Mr. Moreland, and by unanimous consent, said bill was read a second time, ordered to a third reading, and referred to the committee on ways and means.

On motion of Mr. Moreland, and by unanimous consent, the committee on ways and means was discharged from further consideration of said bill, which was ordered printed and engrossed and placed on the order of third reading.

Mr. Walters introduced a bill entitled "An act to amend chapter sixty-seven of the Laws of nineteen hundred and seven, entitled 'An act to legalize, ratify and confirm the proceedings of the town board and board of highway commissioners of the town of West Seneca, Erie county, New York, in establishing sewer district No. 1, in said town and contracting for the construction of a system of sewers, pumping plant and disposal plant in such district'" (Int. No. 9), which was read the first time.

On motion of Mr. Walters, and by unanimous consent, said bill was read a second time, ordered to a third reading, and referred to the committee on affairs of villages.

On motion of Mr. Walters, and by unanimous consent, the committee on affairs of villages was discharged from further consideration of said bill, which was ordered printed and engrossed and placed on the order of third reading.

On motion of Mr. Moreland, the House adjourned until Friday, July 19th, at 10 o'clock a. m.

FRIDAY, JULY 19, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Heisler.

On motion of Mr. Mead, the reading of the journal of yesterday was dispensed with, and the same was approved.

On motion of Mr. Mead, the House adjourned until Monday, July 22d, at 8:30 p. m.

MONDAY, JULY 22, 1907.

The House met pursuant to adjournment

Prayer by Rev. Charles W. Heisler.

On motion of Mr. Moreland, the reading of the journal of Friday, July 19th, was dispensed with, and the same was approved.

Mr. Green offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on the judiciary be discharged from the further consideration of the bill (No. 1, Int. No. 1) entitled "An act to amend the Primary Election Law, in relation to direct nominations and to provide for the expense thereof."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Said bill having been announced, Mr. Green moved to amend, by substituting therefor the following substitute bill:

(See Appendix No. 1.)

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Green, said substitute bill was printed and recommitted to the committee on the judiciary.

On motion of Mr. Moreland, the House adjourned until Tuesday, July 23, 1907, at 11 o'clock a. m.

TUESDAY, JULY 23, 1907.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Heisler.

On motion of Mr. Moreland, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. Moreland moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Allen	Dobbs	Hackett	Miller	Shuttleworth
Apgar	Dominy	Haines	Mills	Sinclair
Averill	Donnelly	Hammond	Mooney	Smith A E
Baumann	Dowling	Hamn	Moreland	Smith C
Blue	Draper	Harper	Morgan	Smith Myron
Bohan	Eagleton	Hoey	Murphy C F	Staley
Boshart	Farrell	Holmes	Nevins	Stanton
Brady	Fay	Hooper	Newton	Stern
Brown	Ferguson	Hubbs	Northrup	Stevenson
Buckley	Filley	Hurd	O'Brian	Surpless
Burhyte	Foley C F	Keller	Oliver	Waddell
Burns	Foley J A	Lansing	Parker	Wagner
Cavanaugh	Francis	Lee	Patton	Wainwright
Chamberlain	Frisbie	Lowe	Phillips	Walters
Collins	Ganly	Lupton	Prentice	Waters
Colné	Geoghagan	Maher	Ralston	Weber
Conklin	Glore	Mance	Robinson	Weimert
Conrady	Glynn	Marlatt	Rogers	Whitley
Croak	Goldberg	Matthews	Schoeneck	Whitney G H
Cunningham	Gray	McCue	Schulz	Winters
Cuvillier	Green	Mead	Schwegler	Wood
De Groot	Gunderman	Merritt	Sheridan	Young

Mr. Moreland moved that the call of the House be made a close call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By unanimous consent, Mr. Mead introduced a bill entitled "An act to organize the Senate districts, and for the apportionment of the members of Assembly of this State" (Int. No. 10), which was read the first time, and referred to the committee on apportionment.

By unanimous consent, Mr. Mead introduced a bill entitled "An act to organize the Senate districts, and for the apportionment of the members of Assembly of this State" (Int. No. 11), which was read the first time, and referred to the committee on apportionment.

Mr. Hart offered for the consideration of the House a resolution, in the words following:

Whereas, In the death of Henry J. Coggeshall, a former member of this Assembly, the State of New York has lost one who conscientiously and effectively devoted the best years of his useful life to the public service; therefore, be it

Resolved, That this Assembly spread upon its records this tribute to Henry J. Coggeshall; that a copy of the same be sent to

the bereaved family, and that when this House adjourns to-day it adjourn out of respect to his memory.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Mead, from the committee on apportionment, presented the following report:

To the Assembly:

Your committee, appointed to confer with a like committee from the Senate upon the matter of the reapportionment of the Senate and Assembly districts of the State, beg leave to submit the following report:

It will be remembered that the decision of the Court of Appeals upon the apportionment of 1906 made it necessary to unite Richmond county with Rockland county in forming a Senate district, thereby inevitably lessening the number of Senate districts north of the Bronx by one, and annihilating one district up the State.

At the first meeting of the two committees certain observations were made by the Senate conferees to the effect, in substance, that the relation of the Assembly to the Senate apportionment was purely perfunctory, and tending to minimize the duty and responsibility of the Assembly to the point of acquiescence in whatever the Senate might determine.

Your committee did not assent to this proposition, but insisted that as each Senate district was composed of two or more Assembly districts it was the manifest duty of the Assembly to give heed to the wishes of the people of the Assembly districts in the make up of Senate districts; at the same time your committee assured the Senate conferees that it was the desire and purpose of your committee to preserve, as far as possible, the present entities of the Senate districts, and to give proper deference to the Senate in that regard.

Your committee invited the Senate committee to present such scheme of apportionment as they might have for our consideration, and your committee was informed that the Senate has no other plan to present than that contained in the Tully bill of the regular session, which, you will recall, was rejected by amendment by the Assembly. This did not appear to your committee as evidencing any marked readiness on the part of the Senate committee to even attempt to agree upon a plan, for it would have been puerile on the part of your committee to accept a plan which the Assembly had already rejected. It was the manifest duty of your committee, therefore, to present one or more plans

to the Senate committee, and we accordingly took the Tully bill as the basis of our work and accepted the following districts as contained therein, namely: from the first to the thirty-third, both inclusive; also the thirty-sixth, thirty-seventh, thirty-ninth, and from the forty-fourth to the fifty-first, both inclusive. This left twenty counties to be formed into seven districts, and which appeared later on to be the zone of contest, namely: Schenectady, Montgomery, Schoharie, Otsego, Madison, Chenango, Delaware, Broome, Cayuga, Seneca, Yates, Tompkins, Cortland, Tioga, Schuyler, Wayne, Livingston, Ontario, Steuben and Chemung.

Thereafter, at various sessions of the two committees, your committee presented certain plans or modifications of the Tully bill, five in number; at the last session of the two committees, held on the eighteenth instant, the Senate committee, in reply to our inquiry, announced that it had no other plan to present than the Tully bill. Your committee then presented a plan for apportioning the twenty counties above referred to, which plan is as follows:

Schenectady, Montgomery, Schoharie	136,383
Madison, Otsego, Chenango	122,969
Broome, Delaware	115,994
Schuyler, Tioga, Tompkins, Cortland	103,779
Cayuga, Seneca, Yates	106,855
Steuben, Chemung	131,222
Wayne, Ontario, Livingston	132,660

The Tully plan for the same counties is as follows:

Schenectady, Montgomery	111,487
Otsego, Madison, Schoharie	111,652
Delaware, Chenango, Broome	152,247
Cayuga, Seneca, Cortland	116,661
Tompkins, Chemung, Tioga, Schuyler	124,451
Wayne, Ontario, Yates	116,803
Steuben, Livingston	115,581

It will be noted that under the Assembly plan the greatest population of any one district is 136,383, and the smallest population is 103,779, making a variation of 32,604, while under the Tully plan the greatest population in any one district is 152,247, and the smallest population is 107,281, making a variation of 44,966, as against the 32,604 of the Assembly plan.

It was conceded by the Senate committee that under the As-

sembly plan the districts were formed in strict compliance with the requirements of the Constitution; that they were compact in form and composed of contiguous territory, and were better balanced than in the Tully plan. It fulfilled the declared purpose of the Assembly committee to preserve, as far as possible, the existing districts to eliminate the constitutional objections to the Tully bill.

Each of the plans submitted by your committee was rejected by the Senate committee, and as the Tully plan had already been rejected by the Assembly the two committees agree to disagree.

July 22, 1907.

Respectfully submitted,

CHARLES W. MEAD,
W. ELLISON MILLS,
GEORGE H. WHITNEY,
E. W. HAMN,
WILLIAM BURNS,

Committee.

By unanimous consent, Mr. Robinson offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on affairs of cities be discharged from the further consideration of the bill (No. 5, Int. No. 5) entitled "An act to amend the Greater New York charter, relative to aldermanic districts, the division of the city into the same, and the boundaries thereof, and to districts for home rule and local improvements."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Robinson, and by unanimous consent said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it:

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity

of the immediate passage of Assembly bill (Int. No. 4) entitled "An act making an appropriation for a submarine cable between Staten island and Hoffman island and between Hoffman island and Swinburne island."

Given under my hand and the Privy Seal of the State at the Capitol, in the city of Albany, this twenty-third day of July in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor.

ROBERT H. FULLER,
Secretary to the Governor.

By unanimous consent, Mr. Moreland called up the bill (No. 4, Int. No. 4) entitled "An act making an appropriation for a submarine cable between Staten Island and Hoffman Island and between Hoffman Island and Swinburne Island," now on the order of third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 00

Those who voted in the affirmative were:

Allen	De Groot	Green	Marlatt	Schmidt
Apgar	Dobbs	Hackett	McCue	Schulz
Averill	Donnelly	Hamn	Mead	Schwegler
Baumann	Dowling	Harawitz	Miller	Sheridan
Boshart	Draper	Harper	Mills	Sinclair
Brady	Eagleton	Hart	Moreland	Smith A E
Brooks	Feth	Hoey	Murphy G W	Smith C
Brough	Filley	Holmes	Nevins	Stevenson
Brown	Flanagan	Hubbs	Newton	Wainwright
Buckley	Foley J A	Keller	Northrup	Walters
Burns	Francis	Lausing	O'Brian	Waters
Burzynski	Frisbie	Lee	Oliver	Weimert
Cavanaugh	Ganly	Lowe	Parker	Whitney G H
Cole	Geoghagan	Lupton	Phillips	Winters
Collins	Gluck	Maher	Prentice	Wood
Conrady	Glynn	Mallon	Robinson	Yale
Croak	Goldberg	Mance	Rogers	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

A message from the Governor was received and read, in words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it:

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 6) entitled "An act authorizing the city of Lockport to issue bonds, for the purpose of acquiring property for a right of way; constructing a distributing main; and for other purposes necessary in acquiring and constructing the system of water works, now under contract for construction, for said city."

Given under my hand and the Privy Seal of the State at the Capitol, in the city of Albany, this twenty-third day of July in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor.

ROBERT H. FULLER,

Secretary to the Governor.

By unanimous consent, Mr. C. F. Foley, called up the bill (No. 6, Int. No. 6), entitled "An act authorizing the city of Lockport to issue bonds, for the purpose of acquiring property for the right of way; constructing a distributing main; and for other purposes necessary in acquiring and constructing the system of water works, now under contract for construction, for said city," now on the order of third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the mem-

bers elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 00

Those who voted in the affirmative were:

Allen	De Groot	Green	Marlatt	Schmidt
Apgar	Dobbs	Hackett	McCue	Schulz
Averill	Donnelly	Hamn	Mead	Schwegler
Baumann	Dowling	Harawitz	Miller	Sheridan
Boshart	Draper	Harper	Mills	Sinclair
Brady	Eagleton	Hart	Moreland	Smith A E
Brooks	Feth	Hoey	Murphy G W	Smith C
Brough	Filley	Holmes	Nevins	Stevenson
Brown	Flanagan	Hubbs	Newton	Wainwright
Buckley	Foley J A	Keller	Northrup	Walters
Burns	Francis	Lansing	O'Brian	Waters
Burzynski	Frisbie	Lee	Oliver	Weimert
Cavanaugh	Ganly	Lowe	Parker	Whitney G H
Cole	Geoghagan	Lupton	Phillips	Winters
Collins	Gluck	Maher	Prentice	Wood
Conrady	Glynn	Mallon	Robinson	Yale
Croak	Goldberg	Mance	Rogers	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it:

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (Int. No. 7) entitled "An act to legalize certain bonds of the village of Geneseo."

Given under my hand and the Privy Seal of the State at the Capitol, in the city of Albany, this twenty-third day of July in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor.

ROBERT H. FULLER,

Secretary to the Governor.

By unanimous consent, Mr. Hamn called up the bill (No. 7, Int. No. 7), entitled "An act to legalize certain bonds of the village of Geneseo," now on the order of third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 00

Those who voted in the affirmative were:

Allen	De Groot	Green	Marlatt	Schmidt
Apgar	Dobbs	Hackett	McCue	Schulz
Averill	Donnelly	Hamn	Mead	Schwegler
Baumann	Dowling	Harawitz	Miller	Sheridan
Boshart	Draper	Harper	Mills	Sinclair
Brady	Eagleton	Hart	Moreland	Smith A E
Brooks	Feth	Hoey	Murphy G W	Smith C
Brough	Filley	Holmes	Nevins	Stevenson
Brown	Flanagan	Hubbs	Newton	Wainwright
Buckley	Foley J A	Keller	Northrup	Walters
Burns	Francis	Lansing	O'Brian	Waters
Burzynski	Frisbie	Lee	Oliver	Weimert
Cavanaugh	Ganly	Lowe	Parker	Whitney G H
Cole	Geoghagan	Lupton	Phillips	Winters
Collins	Gluck	Maher	Prentice	Wood
Conrady	Glynn	Mallon	Robinson	Yale
Croak	Goldberg	Mance	Rogers	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it:

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (No. 8) entitled "An act providing for the preparation of plans for an adequate scheme

of development of the State fair grounds and buildings at Syracuse, and making an appropriation therefor."

Given under my hand and the Privy Seal of the State at the Capitol, in the city of Albany, this twenty-third day of July in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor.

ROBERT H. FULLER,
Secretary to the Governor.

By unanimous consent, Mr. Moreland called up the bill (No. 8, Int. No. 8), entitled "An act providing for the preparation of plans for an adequate scheme of development of the State fair grounds and buildings at Syracuse, and making an appropriation therefor," now on the order of third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 00

Those who voted in the affirmative were:

Allen	De Groot	Green	Marlatt	Schmidt
Apgar	Dobbs	Hackett	McCue	Schulz
Averill	Donnelly	Hamn	Mead	Schwegler
Baumann	Dowling	Harawitz	Miller	Sheridan
Boshart	Draper	Harper	Mills	Sinclair
Brady	Eagleton	Hart	Moreland	Smith A E
Brooks	Feth	Hoey	Murphy G W	Smith C
Brough	Filley	Holmes	Nevins	Stevenson
Brown	Flanagan	Hubbs	Newton	Wainwright
Buckley	Foley J A	Keller	Northrup	Walters
Burns	Francis	Lansing	O'Brian	Waters
Burzynski	Frisbie	Lee	Oliver	Weimert
Cavanaugh	Ganly	Lowe	Parker	Whitney G H
Cole	Geoghagan	Lupton	Phillips	Winters
Collins	Gluck	Maher	Prentice	Wood
Conrady	Glynn	Mallon	Robinson	Yale
Croak	Goldberg	Mance	Rogers	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it:

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (No. 9) entitled "An act to amend chapter sixty-seven of the laws of nineteen hundred and seven, entitled 'An act to legalize, ratify and confirm the proceedings of the town board and board of highway commissioners of the town of West Seneca, Erie county, New York, in establishing sewer district number one in said town, and contracting for the construction of a system of sewers, pumping plant and disposal plant in such district.'"

Given under my hand and the Privy Seal of the State at the Capitol, in the city of Albany, this twenty-third day of July in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor.

ROBERT H. FULLER,

Secretary to the Governor.

By unanimous consent, Mr. Walters called up the bill (No. 9, Int. No. 9), entitled "An act to amend chapter sixty-seven, of the Laws of nineteen hundred and seven, entitled 'An act to legalize, ratify, and confirm the proceedings of the town board and board of highway commissioners of the town of West Seneca, Erie county, New York, in establishing sewer district number one in said town and contracting for the construction of a system of sewers, pumping plant and disposal plant in such district,'" now on the order of third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 00

Those who voted in the affirmative were:

Allen	De Groot	Goldberg	Marlatt	Schmidt
Apgar	Dobbs	Green	McCue	Schulz
Averill	Donnelly	Hackett	Mead	Schwegler
Baumann	Dowling	Hamn	Miller	Sheridan
Boshart	Draper	Harawitz	Mills	Sinclair
Brady	Dudley	Harper	Moreland	Smith A E
Brooks	Eagleton	Hart	Murphy G W	Smith C
Brough	Feth	Hoey	Nevins	Stevenson
Brown	Filley	Hubbs	Newton	Wainwright
Buckley	Flanagan	Keller	Northrup	Walters
Burns	Foley J A	Lansing	O'Brian	Waters
Burzynski	Francis	Lee	Oliver	Weimert
Cavanaugh	Frisbie	Lowe	Parker	Whitney G H
Cole	Ganly	Lupton	Phillips	Winters
Collins	Geoghagan	Maher	Prentice	Wood
Conrady	Gluck	Mallon	Robinson	Yale
Croak	Glynn	Mance	Rogers	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

At 11:35 o'clock a. m., on motion of Mr. Moreland, the House took a recess until 4:30 o'clock p. m.

FOUR O'CLOCK AND FIFTY MINUTES, P. M.

The House again convened.

By unanimous consent, Mr. Oliver introduced a bill entitled "An act to amend the Greater New York charter, relative to the sale of corporate stock" (Int. No. 12), which was read the first time.

On motion of Mr. Oliver, and by unanimous consent, said bill was read the second time and ordered to third reading and referred to the committee on affairs of cities.

On motion of Mr. Moreland, the House adjourned until Wednesday, July 24th, at 10 o'clock a. m.

WEDNESDAY, JULY 24, 1907.

The House met pursuant to adjournment.

On motion of Mr. Moreland, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. Moreland moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Allen	Cuvillier	Green	McCue	Schwegler
Apgar	De Groot	Gunderman	Mead	Sheridan
Averill	Dobbs	Hackett	Merritt	Shuttleworth
Baldwin	Dominy	Haines	Miller	Smith A E
Baumann	Dowling	Hammond	Mills	Smith C
Blue	Draper	Hamn	Mooney	Smith Myron
Bohan	Eagleton	Harawitz	Moreland	Stanton
Boshart	Eichhorn	Harris	Morgan	Surpless
Brady	Farrell	Hart	Murphy C F	Voss
Brooks	Fay	Hoey	Nevins	Waddell
Brough	Ferguson	Holmes	Newton	Wagner
Brown	Fillee	Hooper	O'Brian	Wainwright
Buckley	Foley C F	Hubbs	Oliver	Walters
Burhyte	Foley J A	Jacobs	Parker	Waters
Burns	Fowler	Keller	Patton	Weber
Cavanaugh	Francis	Lansing	Phillips	Weimert
Chamberlain	Frisbie	Lee	Prentice	Wells
Cole	Ganly	Lewis	Ralston	Whitley
Collins	Garbe	Lupton	Robinson	Whitney G H
Colne	Geoghagan	Maher	Rogers	Winters
Conklin	Glore	Mance	Schoeneck	Wood
Conrad	Glynn	Marlatt	Schulz	Young
Cunningham	Gray	Matthews		

Mr. Moreland moved that all further proceedings under the call of the House be suspended.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By unanimous consent, Mr. Mead offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on apportionment be discharged from the further consideration of the bill (No. 12, Int. No. 11) entitled "An act to organize the Senate districts and for the apportionment of the members of Assembly of this State."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Said bill having been announced, on motion of Mr. Mead, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it:

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Assembly bill (No. 12) entitled "An act to organize the Senate districts and for the apportionment of the members of Assembly of this State."

Given under my hand and the Privy Seal of the State at the Capitol, in the city of Albany, this twenty-fourth day of July in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor.

ROBERT H. FULLER,

Secretary to the Governor.

Said bill was then read the third time.

Debate was had thereon.

Mr. Bohan moved the previous question.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Debate continued thereon.

Mr. Moreland moved the previous question.

Mr. Speaker put the question "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 92

NOES 20

Those who voted in the affirmative were:

Allen	Cuvillier	Glore	McCue	Rogers
Apgar	De Groot	Gray	Mead	Schwegler
Averill	Dominy	Green	Merritt	Shuttleworth
Baldwin	Donnelly	Gunderman	Miller	Smith C
Baumann	Dowling	Hammond	Mills	Smith Myron
Blue	Draper	Hamn	Mooney	Stanton

Boshart	Eagleton	Harris	Moreland	Voss
Brady	Eichhorn	Hart	Morgan	Waddell
Brooks	Farrell	Holmes	Murphy C F	Wainwright
Brough	Fay	Hooper	Nevins	Waters
Brown	Ferguson	Hubbs	Newton	Weber
Burhyte	Filley	Jacobs	O'Brian	Weimert
Chamberlain	Flanagan	Lansing	Parker	Wells
Cole	Fowler	Lee	Patton	Whitley
Collins	Francis	Lupton	Phillips	Whitney G H
Colné	Frisbie	Maher	Prentice	Winters
Conklin	Garbe	Mance	Ralston	Wood
Conrad	Geoghagan	Matthews	Robinson	Young
Cunningham				

Those who voted in the negative were:

Bohan	Cavanaugh	Ganly	Keller	Stern
Buckley	Dobbs	Glynn	Oliver	Todd
Burns	Foley C F	Hackett	Schoeneck	Wagner
Burzynski	Foley J A	Hoey	Smith A E	Walters

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

A message from the Governor, by the hand of his secretary, was received and read, in the words following:

STATE OF NEW YORK:

EXECUTIVE CHAMBER,
ALBANY, July 24, 1907.

To the Legislature:

I recommend for your consideration the subject of making suitable appropriation for the expenses of this session.

CHARLES E. HUGHES.

At 12:15 o'clock p. m., on motion of Mr. Moreland, the House took a recess until 3 o'clock p. m.

THREE O'CLOCK AND TEN MINUTES P. M.

The House again convened.

Mr. Dowling, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. McCarren (No. 4, Rec. No. 3), entitled "An act to amend the Greater New York charter, relative to the sale of corporate stock," reported in favor of the passage of the same without amendment, which report was agreed to, and said bill placed on the order of third reading.

On motion of Mr. Dowling, and by unanimous consent, said bill was read the third time, having been printed and upon the

desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 5

Those who voted in the affirmative were:

Allen	Dominy	Haines	Matthews	Shuttleworth
Apgar	Dowling	Hamilton	McCue	Sinclair
Baldwin	Draper	Hammond	Mead	Smith A E
Baumann	Dudley	Harawitz	Merritt	Smith C
Blue	Duell	Harper	Miller	Smith Myron
Bohan	Eagleton	Harris	Mills	Staley
Boshart	Eggleston]	Hart	Mooney	Stern
Brady	Eichhorn	Hoey	Moreland	Stevenson
Brooks	Farrell	Holmes	Murphy C F	Surpless
Brough	Ferguson	Hooper	Murphy G W	Todd
Brown	Filley	Hubbs	Nevis	Volk
Buckley	Flanagan	Hurd	Newton	Waddell
Burhyte	Foley C F	Huth	Northrup	Wagner
Burns	Foley J A	Jackson	Norton	Wainwright
Cavanaugh	Fowler	Jacobs	Oliver	Walters
Chamberlain	Ganly	Keller	Parker	Waters
Cole	Garbe	Lansing	Patton	Weber
Collins	Geoghagan	Lee	Phillips	Weimert
Colné	Glore	Lewis	Ralston	Wells
Conklin	Gluck	Lowe	Reece	West
Conrady	Glynn	Lupton	Rogers	Whitley
Croak	Goldberg	Maher	Schmidt	Whitney G H
Cunningham	Gray	Mallon	Schoeneck	Winters
Cuvillier	Green	Mance	Schulz	Wood
De Groot	Gunderman	Marlatt	Sheridan	Young
Dobbs	Hackett			

In the negative:

Francis	Hart	O'Brian	Prentice	Robinson
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Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bills:

"An act to organize the Senate districts and for the apportionment of the members of Assembly of this State" (No. 8, Rec. No. 1), which was read the first time and referred to the committee on apportionment.

"An act to amend the Greater New York charter, relative to aldermanic districts, the division of the city into the same and

the boundaries thereof, and to districts for home rule and local improvements" (No. 7, Rec. No. 2), which was read the first time.

On motion of Mr. Robinson, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Robinson, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hackett	Matthews	Shuttleworth
Apgar	Draper	Haines	McCue	Sinclair
Baldwin	Dudley	Hamilton	Mead	Smith A E
Baumann	Duell	Hammond	Merritt	Smith C
Blue	Eagleton	Harawitz	Miller	Smith Myron
Bohan	Eggleston	Harper	Mills	Staley
Boshart	Eichhorn	Harris	Mooney	Stern
Brady	Farrell	Hart	Moreland	Stevenson
Brooks	Ferguson	Hoey	Murphy C F	Stratton
Brough	Feth	Holmes	Nevins	Surpless
Brown	Filley	Hooper	Newton	Todd
Buckley	Flanagan	Hubbs	Northrup	Volk
Burhyte	Foley C F	Murd	Norton	Waddell
Burns	Foley J A	Huth	O'Brian	Wagner
Cavanaugh	Fowler	Jackson	Oliver	Wainwright
Chamberlain	Francis	Jacobs	Parker	Walters
Cole	Ganly	Keller	Patton	Waters
Collins	Garbe	Lansing	Phillips	Weber
Colné	Geoghagan	Lee	Prentice	Weimert
Conklin	Glore	Lewis	Ralston	Wells
Conrady	Gluck	Lowe	Reece	West
Croak	Glynn	Lupton	Rogers	Whitley
Cunningham	Goldberg	Maher	Schmidt	Whitney G H
Cuvillier	Gray	Mallon	Schoeneck	Winters
De Groot	Green	Mance	Schulz	Wood
Dobbs	Gunderman	Marlatt	Sheridan	Young
Dominy				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

"An act to amend the Greater New York charter, relative to the

sale of corporate stock" (No. 4, Rec. No. 3), which was read the first time.

On motion of Mr. Oliver, and by unanimous consent, said bill was read the second time and ordered to a third reading, and referred to the committee on affairs of cities.

"An act to amend section eight hundred and fifty-six of the Code of Civil Procedure with respect to punishment for contempt" (No. 5, Rec. No. 4), which was read the first time.

On motion of Mr. Conklin, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Conklin, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 36

NOES 14

Those who voted in the affirmative were:

Averill	Conklin	Hamn	Nevins	Smith C
Boshart	Conrady	Harris	O'Brian	Smith Myron
Brooks	Francis	Hart	Patton	Stanton
Brough	Glore	Lee	Phillips	Waters
Burhyte	Green	Marlatt	Prentice	Weber
Cole	Gunderman	Matthews	Rogers	Weimert
Collins	Haines	Moreland	Shuttleworth	Whitney G H
Colné				

Those who voted in the negative were:

Bohan	Eagleton	Ganly	Hackett	Smith A E
Burns	Eichhorn	Garbe	Hammond	Wagner
Cuvillier	Flanagan	Glynn	Oliver	

"An act to amend the Primary Election Law, in relation to direct nominations and to provide for the expense thereof" (No. 9, Rec. No. 5), which was read the first time and referred to the committee on the judiciary.

Mr. Green offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on the judiciary be discharged from the further consideration of the Senate bill (No. 9, Rec.

No. 5) entitled "An act to amend the Primary Election Law, in relation to direct nominations and to provide for the expense thereof."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Said bill having been announced, on motion of Mr. Green, and by unanimous consent, said bill was read the second time and ordered to a third reading.

Mr. Green moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker, the Clerk called the roll, when the following members responded:

Allen	Cunningham	Glore	Mallon	Rogers
Apgar	Cuvillier	Glynn	Mance	Schwegler
Averill	De Groot	Gray	Marlatt	Shuttleworth
Baldwir	Dobbs	Green	Matthews	Smith A E
Baumann	Dominy	Gunderman	McCue	Smith C
Blue	Donnelly	Hackett	Mead	Smith Myron
Bohan	Dowling	Haines	Merritt	Stanton
Boshart	Draper	Hammond	Mills	Surpless
Brady	Eagleton	Hamn	Mooney	Todd
Brooks	Eggleston	Harris	Moreland	Voss
Brough	Fichhorn	Hart	Murphy C F	Wagner
Brown	Farrell	Holmes	Nevins	Wainwright
Burhyte	Fay	Hooper	O'Brian	Walters
Burns	Ferguson	Hubbs	Oliver	Waters
Burzynski	Flanagan	Jacobs	Parker	Weber
Chamberlain	Foley C F	Keller	Patton	Weimert
Cole	Foley J A	Lansing	Phillips	Wells
Collins	Francis	Lee	Prentice	Whitney G H
Colné	Ganly	Loos	Ralston	Winters
Conklin	Garbe	Lupton	Robinson	Young
Conrady	Geoghagan	Maher		

Mr. Hammond moved that the call of the House be made a close call.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Ralston moved that said bill be recommitted to the committee on the judiciary, with instructions to report the same forthwith amended as follows:

At page 2, line 1, strike out lines 1 to 23 inclusive, and on line 24, strike out "adopted as prescribed in this section, [certificates] in place thereof write:

“§ 12. Referendum — Nomination of candidates at primary elections.— At the next official primary election held in any city or village in which this act is applicable, there shall be submitted to a vote of the duly qualified electors at such primary election, the question of direct primary elections; and for this purpose there shall be provided in each election district by the authorities directed by law to provide the official ballots at the general election, separate ballots as hereinafter described, and separate ballot boxes, in the manner as required by the provisions of chapter six hundred and eighty of laws of eighteen hundred and ninety-two, entitled ‘An act in relation to the elections, constituting chapter six of the general laws,’ and any act or acts amendatory or supplemental thereto, for the submission of a constitutional amendment or other proposition or question to a popular vote. One-half of the number of said ballots shall read ‘for direct primary elections’ and the other half of said ballots shall read ‘against direct primary elections’ and the endorsement on said ballots shall read, ‘redirect primary elections.’ Each elector shall be provided, in addition to the other ballots furnished at said election, with two ballots, one of which shall be ‘for’ and the other ‘against’ said direct primary elections. All provisions of chapter six hundred and eighty of the laws of eighteen hundred and ninety-two relating to the submission of a constitutional amendment or other proposition or question to a popular vote shall in all respects be followed, complied with, applied to and carried into effect, in the submission of said question or question of direct primary elections to a vote as herein provided, and no ballot on said proposition shall be deemed invalid by reason of any error in dimensions, style of printing or other formal defect or by having been deposited in the wrong ballot box, but all such ballots shall be canvassed and returned as if such error or formal defect had not existed, or as if they had been deposited in the box required to be furnished for that purpose. The ballots cast in each election district shall be deemed and taken as an expression of the voter, as the case may be, in favor of, or against direct primary elections. Within ten days after the votes upon such question of direct primary elections shall have been canvassed and returned the board of elections or other officer with whom the returns are filed shall make and file a certificate in his office of the result of said vote in each of said cities, counties, villages or towns. In the event that at such primary election in any city or village to which this act is applicable, or in any county wholly within such city, a majority of the voters of each of the parties which at the last election for a governor cast the greatest and second greatest number of votes for governor respectively, shall vote in favor of

direct primary elections, then the nomination of party candidates for all offices to be filled wholly from such city, village, county or subdivision wholly within such city, village or county shall be made by the enrolled members of the respective party at the official primary election held on the annual primary day."

At page 2, strike out lines 23 to 26 inclusive, and on page 4, line 1, strike out "ing a party in any political subdivision" and in place thereof write:

"§ 12-a. Petitions, notice, contests, ballots and manner of voting, et cetera.— In the event that at the next official primary election in any city or village to which this act is applicable, or in any county wholly within such city, a majority of the voters at such primary election of each of the parties which at the last election for a governor cast the greatest and second greatest number of votes for governor, respectively, shall vote in favor of direct primary elections, then an official ballot to be used at the primary elections shall be provided at public expense, and the provisions of this section shall apply to the primary elections held in such subdivision."

Debate was had thereon.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Ralston, and it was determined in the negative.

AYES 26

NOES 58

Those who voted in the affirmative were:

Bohan	Cuvillier	Foley J A	Hammond	Ralston
Brooks	Eagleton	Ganly	Hoey	Robinson
Buckley	Eichhorn	Garbe	Maher	Schmidt
Burns	Farrell	Glore	Mead	Surplless
Cavanaugh	Flanagan	Hackett	Oliver	Voss
Conrady				

Those who voted in the negative were:

Allen	Colné	Gray	Matthews	Shuttleworth
Apgar	Conklin	Green	McCue	Smith C
Averill	Cunningham	Gunderman	Merritt	Smith Myron
Baldwin	De Groot	Haines	Mills	Stanton
Blue	Donnelly	Hamn	Moreland	Wainwright
Boshart	Dowling	Harris	Murphy C F	Weber
Brady	Draper	Holmes	Nevins	Weinert
Brough	Eggleston	Hubbs	O'Brian	Wells
Burhyte	Fay	Lee	Patton	Whitney G H
Burzynski	Ferguson	Lupton	Phillips	Winters
Chamberlain	Francis	Mance	Rogers	Young
Cole	Glynn	Marlatt		

Mr. Chamberlain moved that said bill be recommitted to the committee on the judiciary, with instructions to report the same

forthwith amended by substituting therefor the following substitute bill:

(See Appendix No. 2.)

Debate was had thereon.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Chamberlain, and it was determined in the negative.

Mr. C. F. Foley moved that said bill be recommitted to the committee on the judiciary, with instructions to report the same forthwith amended by substituting therefor the following substitute bill:

(See Appendix No. 3.)

Debate was had thereon.

Mr. Speaker put the question whether the House would agree to said motion of Mr. C. F. Foley, and it was determined in the negative.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it:

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 1, printed No. 9) entitled "An act to amend the primary election law, in relation to direct nominations and to provide for the expense thereof," as amended.

Given under my hand and the Privy Seal of the State at the Capitol, in the city of Albany, this twenty-fourth day of July, in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor.

ROBERT H. FULLER,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 59

NOES 41

Those who voted in the affirmative were:

Allen	Colné	Green	Mills	Smith C
Apgar	Conklin	Haines	Mooney	Smith Myron
Averill	De Groot	Hamn	Moreland	Stanton
Baumann	Donnelly	Harris	Murphy C F	Todd
Boshart	Dowling	Hart	Nevins	Wainwright
Brady	Eggleston	Holmes	O'Brian	Weber
Brooks	Fay	Hubbs	Parker	Weimert
Brough	Flanagan	Lee	Patton	Wells
Burhyte	Francis	Lupton	Phillips	Whitney G H
Burzynski	Garbe	Marlatt	Rogers	Winters
Cole	Geoghagan	Matthews	Schwegler	Young
Collins	Gray	Merritt	Shuttleworth	

Those who voted in the negative were:

Baldwin	Cunningham	Foley C F	Hooper	Ralston
Blue	Cuvillier	Foley J A	Keller	Robinson
Bohan	Dobbs	Ganly	Maher	Smith A E
Brown	Draper	Glore	Mance	Surpless
Buckley	Eagleton	Glynn	McCue	Voss
Burns	Eichhorn	Hackett	Mead	Wagner
Cavanaugh	Farrell	Hammond	Oliver	Walters
Chamberlain	Ferguson	Hoey	Prentice	Waters
Conrady				

"An act making an appropriation for the expenses of the special session of the Legislature, called by proclamation of the Governor to convene on July eighth, nineteen hundred and seven" (No. 12, Rec. No. 6), which was read the first time and referred to the committee on ways and means.

Mr. Moreland offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on ways and means be discharged from the further consideration of the Senate bill (No. 12, Rec. No. 6) entitled "An act making an appropriation for the expenses of the special session of the Legislature called by proclamation of the Governor to convene on July eighth, nineteen hundred and seven."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Said bill having been announced, on motion of Mr. Moreland, and by unanimous consent, said bill was read the second time and ordered to a third reading.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK — EXECUTIVE CHAMBER.

To the Legislature:

It appearing to my satisfaction that the public interest requires it:

Therefore, In accordance with the provisions of section 15 of article 3 of the Constitution, and by virtue of the authority thereby conferred upon me, I do hereby certify to the necessity of the immediate passage of Senate bill (Int. No. 12) entitled "An act making an appropriation for the expenses of the special session of the Legislature called by proclamation of the Governor to convene on July eighth, nineteen hundred and seven."

Given under my hand and the Privy Seal of the State at the Capitol, in the city of Albany, this twenty-fourth day of July, in the year of our Lord one thousand nine hundred and seven.

(Signed.) CHARLES E. HUGHES.

By the Governor.

ROBERT H. FULLER,
Secretary to the Governor.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, the necessity for the immediate passage of the same having been certified by the Governor, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Allen	Dowling	Hackett	Matthews	Shuttleworth
Apgar	Draper	Haines	McCue	Sinclair
Baldwin	Dudley	Hamilton	Mead	Smith A E
Baumann	Duell	Hammond	Merritt	Smith C
Blue	Eagleton	Harawitz	Miller	Smith Myron

Bohan	Eggleston	Harper	Mills	Staley
Boshart	Eichhorn	Harris	Mooney	Stern
Brady	Farrell	Hart	Moreland	Stevenson
Brooks	Ferguson	Hoey	Murphy C F	Stratton
Brough	Feth	Holmes	Nevins	Surpless
Brown	Filley	Hooper	Newton	Todd
Buckley	Flanagan	Hubbs	Northrup	Volk
Burhyte	Foley C F	Hurd	Norton	Waddell
Burns	Foley J A	Huth	O'Brian	Wagner
Cavanaugh	Fowler	Jackson	Oliver	Wainwright
Chamberlain	Francis	Jacobs	Parker	Walters
Cole	Ganly	Keller	Patton	Waters
Collins	Garbe	Lansing	Phillips	Weber
Colné	Geoghagan	Lee	Prentice	Weimert
Conklin	Glore	Lewis	Ralston	Wells
Conrady	Gluck	Lowe	Reece	West
Croak	Glynn	Lupton	Rogers	Whitley
Cunningham	Goldberg	Maher	Schmidt	Whitney G H
Cuvillier	Gray	Mallon	Schoeneck	Winters
De Groot	Green	Mance	Schulz	Wood
Dobbs	Gunderman	Marlatt	Sheridan	Young
Dominy				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

IN SENATE, ALBANY, *July 24, 1907.*

Resolved (if the Assembly concur), That the Legislature adjourn without date at five-fifteen o'clock p. m., Wednesday, July 24, 1907.

By order of the Senate,

LAFAYETTE B. GLEASON,
Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 7, Int. No. 7) entitled "An act to legalize certain bonds of the village of Geneseo."

Also, the bill (No. 8, Int. No. 8) entitled "An act providing for the preparation of plans for an adequate scheme of development of the State fair grounds and buildings at Syracuse, and making an appropriation therefor."

Also, the bill (No. 4, Int. No. 4) entitled "An act making an appropriation for a submarine cable between Staten island and Hoffman island and between Hoffman island and Swinburne island."

Also, the bill (No. 9, Int. No. 9) entitled "An act to amend chapter sixty-seven of the Laws of nineteen hundred and seven, entitled 'An act to legalize, ratify and confirm the proceedings of the town board and board of highway commissioners of the town of West Seneca, Erie county, New York, in establishing sewer district number one in said town and contracting for the construction of a system of sewers, pumping plant and disposal plant in such district.'"

Also, the bill "An act to organize the Senate districts and for the apportionment of the members of Assembly of this State," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the bill (No. 6, Int. No. 6) entitled "An act authorizing the city of Lockport to issue bonds, for the purpose of acquiring property for a right of way; constructing a distributing main, and for other purposes necessary in acquiring and constructing the system of water works, now under contract for construction, for said city," with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Lockport.

Mr. Moreland offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee be appointed by the Chair to inform his Excellency, the Governor, that the Assembly has completed its labors at this extraordinary session and stands ready to adjourn without date.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Moreland and Oliver as such committee.

Mr. Patton offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee be appointed by the Chair to inform the honorable, the Senate, that the Assembly has completed its labors at this extraordinary session, and stands ready to adjourn without date.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed Messrs. Patton and Burns as such committee.

Senators Cassidy and Ackroyd, a committee from the Senate, appeared in the Assembly chamber and announced that the Senate has completed its labors and is ready to adjourn.

Mr. Moreland, from the committee appointed to wait upon the Governor and inform him that the Assembly has completed its labors and is ready to adjourn, reported that they had performed that duty.

Mr. Patton, from the committee appointed to wait upon the Senate and inform that honorable body that the Assembly has completed its labors and is ready to adjourn, reported that they had performed that duty.

Mr. Mance offered for the consideration of the House a resolution, in the words following:

Resolved, That the proceedings of the Assembly in memory of Hon. George W. Hastings be printed as a part of the memorial volume heretofore ordered by the Assembly.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Mance.— Mr. Speaker, on behalf of the special committee, I present the following memorial resolutions:

Resolved, That the Assembly has learned with deepest sorrow of the death of our esteemed colleague, Honorable William George Hastings, Member of Assembly from the first district of Orange county, which occurred after a brief illness at the city of Albany, on the 28th day of June, 1907.

He had been a member of this body for three successive terms. His public services were capable, intelligent, upright and efficient. His genial temperament, his tact and his attractive personality had won the admiration and affection of all who were privileged to know him. His friends were legion, and his successful public career, while yet in the years of young manhood, gave promise of greater achievements, and added honors in the years to come.

With tenderest sympathy for the widow, the daughter, the parents, and all those near and dear to him, we place upon our records this lasting tribute to his memory.

Resolved, That as a further mark of respect to his memory, this House do now adjourn, and that a copy of these resolutions, suitably engrossed, be transmitted to the members of his family.

Mr. Speaker, on the 28th day of June, there passed out into the realms of the larger life, through the gates of pain and agony, in this city, the capital of the State, one of our number — the fourth to fall since the session began — one who came from that beautiful metropolis of old Orange, enthroned on its hillsides by the lordly Hudson; one who was known to us all, beloved of us all, especially dear to those who knew him best and were privileged with intimacy with his sparkling, scintillating, everyday life; one who has fallen low indeed in the glory of a young, sturdy and gifted manhood; one endowed with a singular faculty for making and retaining friends — William George Hastings — who, now, is a mere name and memory, that name representing nothing more than a green mound in an acre where we all have our dear ones, and where all the sleepers sleep eternally.

Only a name! Yet that name calls before us a life lived, a record made, a position achieved, enviable indeed to one who dwelt on earth only thirty-nine years. Few are they, who, in so short a space, win so much of that which is worth striving for and wresting from the world.

Into these brief years was crowded much work, much business, much politics, but with it was the joy of life, the happiness of seeing effort crowned with success and an abounding geniality that gilded every day lived with a peculiar glow, and which made Mr. Hastings one of the pleasantest of men to meet and associate with.

To us, who knew him so well, it seems strange and out of place, indeed, to think of him coffined, shrouded and silent in the darkness of the grave; he, who, but yesterday, as it were, was one of us and with us, so full of life, so strong, so hearty; in whose hand-clasp was so much of expressed friendship, so instinct with vitality.

Yet, it is all over. It is finished. "He is as one who has gone down in the pit." Successful in his business career, at his home in Newburgh; in the most confidential positions for years with the leaders of his party; thrice elected a member of this body, a happy husband, loving father and ideal in all his family relations; numerously affiliated with fraternities, orders and societies, which admit only the choicest spirits, and which betokened his wide popularity — it is ended, finis is written.

In this House he was never known to champion an unjust cause, never rose in his seat to vote other than according to the whisperings of conscience, never bent "the pregnant hinges of the knee" to considerations of wealth. His political, as well as his social and business life, was all frank and open and above board. No secrecy, no subterranean wire-pulling, no plots hatched at midnight for him — all was as open as the day, as clear as the noontide, as explicable as one plus one.

In such a time as this, when we can yet almost see him yonder in his seat, when the tones of his voice yet ring in our ears, it is fitting that we should give public expression to our sense of bereavement and loss.

Like as the damask rose you see,
Or like the blossom on the tree,
Or like the dainty flower in May,
Or like the morning of the day,
Or like the sun, or like the shade,
E'en such is man; — whose thread is spun,
Drawn out, and cut, and so is done.—
The rose withers, the blossoms blasteth,
The flower fades, the morning hasteth,
The sun sets, the shadow flies,
The gourd consumes,— and man he dies!

Like to the grass that's newly sprung,
Or like a tale that's new begun,
Or like the bird that's here to-day,
Or like the pearled dew of May,
Or like an hour, or like a span,
Or like the singing of a swan —
E'en such is man; — who lives by breath,
Is here, now there, in life and death.—
The grass withers, the tale is ended,
The bird is flown, the dew's ascended.
The hour is short, the span is long,
The swan's near death,— man's life is done!

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative by a unanimous rising vote.

ERRATA.

ASSEMBLY JOURNAL, 1907.

Page	Line	
12	14	Make "Harowitz" read "Harawitz".
15	12	Strike out the word "printed".
36	12	Strike out the words "by request".
65	17	Make "ac" read "act".
79	11	Make "Cullins" read "Collins".
90	17	After "Mr" insert "C. F.".
94	1	Make "No. 55" "Int. No. 55" read "No. 54, Int. No. 54".
99	37	Make "337" read "373".
150	21	Make "first" read "third".
186	30	Make "bars" read "bear".
189	8	Make "417" read "47".
213	14	Make "571" read "570".
229	17	Make "Senate" read "Assembly".
238	9	Make "32" read "22".
243	27	Make "amndment" read "amendment".
244	21	Make "repore" read "report".
260	8	Make "majority" read "two-thirds".
260	9	Strike out "and three-fifths being present".
304	34	Make "majority" read "two-thirds".
304	35	Strike out "and three-fifths being present".
334	18	After the word "House" insert "on motion of Mr. Moreland".
436	6	Make "thtch" read "the".
522	33	Strike out "H. C." and insert "G. H.".
539	4	Make "74" read "75".
539	10	Make "75" read "74".
587	43	Make "Prentice" read "Young and".
587	43	Make "999" read "957".
595	13	Make "638" read "636".
660	22-23	Between said lines insert "and request that said bill be re-committed to said committee".
702	6-7	Between said lines insert "which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading".
704	12-13	Between said lines insert "which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading".
800	15-16	Between said lines insert "which report was agreed to and said bill ordered reprinted as amended and engrossed for a third reading".
820	9	Make "78" read "28".
845	19	Make "828" read "817".
870	11	Make "114" read "115".
872	20	Make "871" read "872".
918	33	Make "ities" read "Cities".
982	9	Make "531" read "331".
994	1	Make "873" read "878".
994	20	Make "Maher" read "O'Brian".
994	20	Make "1351" "1246".
1036	9	Make "Moreland" read "Cuvillier".
1036	9	Make "894" read "601".
1060	23	Make "1134" read "1034".
1153	22	Make "4" read "5".

Page	Line	
1180	33	Make "29" read "269".
1183	31	Make "Young" read "Harris".
1183	31	Make "948" read "1531".
1229	27	Make "2170" read "1270".
1230	32	Make "1035" read "1305".
1234	12	Make "civil" read "criminal".
1257	24	Make "Senate" read "Assembly".
1273	16	Strike out "No. 1357".
1274	30	Make "second" read "third".
1275	36	Make "civil" read "criminal".
2193	4	At beginning of line insert "not".
1309	45	After "generally" insert "Int. No. 1184".
1334		Strike out lines "29, 30, 31, 32 and 33".
1337	2	Make "third" read "second".
1368	19	Make "788" read "787".
1376	25	Make "three-o" read "three-e".
1409	14	Make "00" read "1".
1497	7	Make "1345" read "1343".
1528		Between lines 18 and 19 insert "Mr. Staley moved to concur in the Senate amendments".
1551		Between lines 31 and 32 insert "and request that said bill be recommitted to said committee".
1553	14	Make "121" read "120".
1573		Strike out lines "25, 26 and 27".
1573		Between lines 40 and 41 insert "Mr. Cunningham from the committee on public education, reported said bill amended as directed and the same was ordered reprinted and placed on the order of third reading."
1656	17	Make "purposes" read "purpose".
1686	44	Make "West" read "Hastings".
1686	44	Strike out the words "engrossed bills" and insert "revision".
1697	41	Make "H. G." read "G. H.".
1701	37	Make "Senate" read "Assembly".
1760	5	Make "Int." read "Rec.".
1761	22	Make "Int." read "Rec.".
1803	23	Make "deliver" read "return".
1836	35	Make "Int." read "Rec.".
1839	12	Make "1904" read "1094".
1864	38	Make "1252" read "1262".
1875	37	Make "38" read "138".
1883	16	Insert period after word "for".
1929		Between lines 9 and 10 insert "Mr. Speaker put the question whether the House would agree to said motion and it was determined in the affirmative."
		"Mr. Mead from the committee on the judiciary reported said bill amended as directed and the same was ordered reprinted and placed on the order of third reading."
1966	3	Make "twenty-three-e" read "twenty-three-e."
1975	2	Make "38" read "33".
2082	28	Make "991" read "998".
2093	10	Make "502" read "205".
2144	31	Make "16" read "17".
2148	25	Make "79" read "179".
2155	28	Make "Int." read "Rec.".
2206		Between lines 4 and 5 insert "which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading".
2212	23	After the word "the" insert "Senate".
2212	28	Make "1587" read "587".
2220	16	Make "2436" read "2426".

Page	Line	
2221	36	Make "153" read "1530".
2249	10	Make "1542" read "1642".
2264	5	Make "Cornith" read "Corinth".
2264	9	Make "699" read "1277".
2277	4	Make "1254" read "2254".
2407	2	Make "1554" read "1454".
2421	12	Make "287" read "297".
2438	2	Make "Int." read "Rec.".
2440	14	Make "1853" read "1832".
2467	39	Make "1949" read "1999".
2471	4	Make "forty-nine" read "fifty-nine".
2471	25	Make "2131" read "2141".
2475	37	Make "221" read "1221".
2486	6	Make "468" read "1468".
2488	21	Make "568" read "294".
2494		Strike out lines 5 to 11 inclusive.
2507	29	Make "1138" read "1738".
2549	13	Make "Int." read "Rec.".
2565	23	Make "599" read "260".
2565	30	Make "317" read "312".
2566	4	Make "916" read "311".
2566	11	Make "834" read "300".
2575		Between lines 30 and 31 insert "Ordered that the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same."
2580	5	Make "1768" read "1668".
2596	19	Make "974" read "947".
2598	32	Between "on" and "Judiciary" insert "the".
2607	1	Make "engrossed" read "engross".
2644		Last line make "rthup" read "Northrup".
2661	21	Insert "Holmes".
2681	26	Make "1323" read "1118".
2683	23	Make "208" read "235".
2683	29	Make "Assembly" read "Senate".
2683	30	Make "Int." read "Rec.".
2683	30	Make "847" read "227".
2686	23	Make "2114" read "2414".
2710		Strike out lines 32, 33 and insert "Ordered, that the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same."
2711		Strike out lines 34 and 35 and insert "Ordered, that the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same."
2726	24	Make "uvillier" read "Cuvillier".
2760	9	Make "2387" read "2522".
2760	9	Make "1367" read "1431".
2760		Between lines 9 and 10 insert "An act to amend the Labor Law, relative to the employment of women and minors (No. 2387, Int. No. 1367)".
2762	20	Make "1803" read "1810".
2762		Between lines 23 and 24 insert "Also Assembly bill, introduced by Mr. Hamm (No. 2568, Int. No. 1803) entitled 'An act to amend chapter three hundred and sixty of the laws of eighteen hundred and ninety-seven, entitled "An act to incorporate the city of Geneva," in relation to bonds and taxation for extraordinary expenditures'".
2764	15	Make "1165" read "1765".
2780	36	After "expenditures" insert "(Int. No. 1803)".
2781	1	Make "133" read "130".
2793		Before line 1 insert "In Senate" "Albany, May 2, 1907".

Page	Line	
2816	28	Make "2529" read "2592".
2818		Strike out lines "11, 12 and 13".
2837	35	Make "Int." read "Rec.".
2840	37	Make "Men's" read "Women's".
2910		Between lines 33 and 34 insert "Also Senate bill, introduced by Mr. O'Neil (No. 1260, Rec. No. 277) entitled 'An act to amend chapter one hundred and twenty-seven of the laws of eighteen hundred sixty-six, entitled "An act relative to the collection of taxes in the town of Oswegatchie, in the county of Saint Lawrence", in relation to the manner of collecting such taxes"'. "
2918		Between lines 34 and 35 insert "Mr. Speaker announced the special order, being the bill (No. 2385) entitled 'An act to amend the tax law, in relation to information to be furnished to local assessing officers by recording of officers, duty of local assessing officers and providing penalties' (Int. No. 1594). Said bill having been announced for a second reading, on motion of Mr. Phillips and by unanimous consent said bill was made a special order on second and third reading for Tuesday next immediately after the reading of the journal."
2929	24	Make "344" read "334".
2948	9	Make "8" read "6".
2954		Strike out line 23.
2954	28	Make "1533" read "1693".
2958	7	Make "1533" read "1693".
2958	18	Strike out "Assembly Reprint No. 1533".
3025	21	After "the" insert "Senate".
3035	18	Make "326" read "336".
3053	15	Make "Raines" read "Hamn".
3053	16	Make "Int." read "Rec.".
3053	32	Make "Int." read "Rec.".
3066	2	Make "Foley" read "Murphy".
3101	39	Strike out "the" and insert "Senate".
3118	25	Make "95" read "180".
3173	35	After "on" insert "second and".
3175	11	After "on" insert "second and".
3177	23	After "1368" insert "A. reprint 2724".
3178	13	Make "1437" read "1487".
3188		Between lines 22 and 23 insert "Mr. Speaker announced the special order, being the bill (No. 2731) entitled 'An act to revise and amend the charter of the city of Jamestown' (Int. No. 1301). Said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage".
		"Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present".

AYES 132

NOES 00

Those who voted in the affirmative were:

Allen	Draper	Hammond	Merritt	Sinclair
Averill	Dudley	Hamn	Miller	Smith A E
Baldwin	Duell	Harawitz	Mills	Smith C
Blue	Eagleton	Harper	Mooney	Smith Myron
Bohan	Eggleston	Harris	Morgan	Staley
Boshart	Eichhorn	Hart	Murphy C F	Stern
Brady	Ferguson	Hastings	Murphy G W	Stevenson

Brooks	Feth	Hoey	Nevins	Stratton
Brough	Filley	Holmes	Newton	Surpless
Brown	Flanagan	Hooper	Northrup	Todd
Buckley	Foley C F	Hubbs	Norton	Volk
Burhyte	Foley J A	Hurd	O'Brian	Voss
Burns	Fowler	Jackson	Oliver	Waddell
Burzynski	Francis	Keller	Parker	Wagner
Cavanaugh	Frisbie	Lansing	Patton	Walters
Chamberlain	Ganly	Lee	Phillips	Waters
Cole	Garbe	Lewis	Prince	Weber
Colné	Geoghegan	Loos	Ralston	Weimert
Conklin	Glore	Lowe	Reece	Wells
Croak	Gluck	Lupton	Robinson	West
Cunningham	Glynn	Maher	Rogers	Whitley
Cuvillier	Goldberg	Mallon	Schmidt	Whitney F G
De Groot	Gray	Mance	Shoeneck	Whitney G H
Dobbs	Green	Marlatt	Schulz	Wood
Dominy	Gunderman	Matthews	Sheridan	Yale
Donnelly	Hackett	McCue	Shuttleworth	Young
Dowling	Hamilton			

"Ordered, that the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended, have again passed the same and request the concurrence of the Senate therein".

Page Line

- 3243 Between lines 37 and 38 insert "Mr. Speaker put the question whether the House would agree to said motion and it was determined in the affirmative".
- "Mr. Apgar, from the committee on internal affairs, reported said bill amended as directed and the same was ordered reprinted and placed on the order of third reading".
- 3244 1 Make "137" read "127".
- 3272 Make "Morton" read "Norton".
- 3312 Between lines 22 and 23 insert "In the negative Messrs. C. F. Foley and Ganley".
- 3319 32 Make "Burhyte" read "Brough".
- 3328 16 Make "1455" read "1453".
- 3331 41 Make "ost" read "lost".
- 3338 6 Make "third" read "second".
- 3355 3 Make "May 22" read "April 19th".
- 3364 Strike out beginning with the word "said" on line 17 down to and including the word "passage" on line 19 and insert "the necessity for the immediate passage of the same having been certified by the Governor".
- 3370 23 Make "1206" read "1276".
- 3371 11 Make "1085" read "1083".
- 3372 8 Make "Rogene" read "Rugene".
- 3406 4 Make "Int." read "Rec.".
- 3410 36 Make "Lagarde" read "Lazaroe".
- 3412 20 Make "52" read "337".
- 3427 5 Make "52" read "337".
- 3458 Between lines 15 and 16 insert "Mr. West moved that said resolution be referred to the committee on rules".
- "Mr. Speaker put the question whether the House would agree to said motion and it was determined in the affirmative".
- 3470 22 Make "425" read "423".
- 3491 43 Make "1631" read "1632".
- 3497 At end of line 6 add "(Rec. No. 458)".
- 3533 8 After the word "charter" insert "of the Hebrew Benevolent and Orphan Asylum Society".

Page	Line	
3590	27	Make "1673" read "1675".
3591	13	Make "1568" read "1586".
3591		After line 38 add "Ordered that the Clerk deliver said bill to the Governor".
3626	23	Make "437" read "434".
3718	17	Make "615" read "1615".
3744	31	Make "bill" twice occurring "message".
3780	13	Make "Senats" read "Senate".
3787	29	Make "1338" read "1383".
3830	12	Strike out "employees" and insert "to satisfy a lien".
3842	11	Make "Int." read "Rec.".
3844	28	Make "181" read "1818".
3847	10	Make "1317" read "1371".
3851	5	Make "printed" read "reprinted".
3872	2	Make "472" read "475".
3882		Strike out all beginning with the word "a" in line 20 down to and including the word "of" in line 21, and insert "be returned to the Governor".
3883	14	Make "2871" read "2872".
3900		After line 45 insert "Mr. Hooper moved to concur in the Senate amendments."
3906	29	Make "fo" read "of".
3909	29	Make "7809" read "1809".
3911	30	Before "no" insert "Rec.".
3912	40	Strike out "Gunderman, Moreland" and insert at beginning of line "Donnelly, Fay".
3916	5	Strike out "affirmative" and insert "negative" and at end of line insert "not".
3920	7	After "Mr." insert "C. F.".
3927	10	Make "1680" read "1860".
3957	15	Make "11" read "7".
3970	14	At beginning of line insert "F".
3971	31	Make "of" read "on".
4008	8	Make "1794" read "1494".
4009	28	Make "13" read "12".
4012	26	Make "434" read "484".
4014	36	Make "Saidb ill" read "Said bill".
4029		Between lines 10 and 11 insert "Mr. Lansing moved to concur in the Senate amendments".
4033	11	Make "1077" read "1877".
4066		Between lines 41 and 42 insert "Mr. G. H. Whitney offered for the consideration of the House a resolution in words following:".
4120	6	Strike out "F" and insert "S".
4133	20	Make "1568" read "1567".
4142	22	Make "27" read "21".
4148	18	Make "246" read "346".
4197	30	After "1488" insert "reprint".
4223	9	Before the word "mayor" insert "acting".
4231	9	Make "00" read "1".

EXTRAORDINARY SESSION.

6	9	Make "Horrington" read "Herrington".
34	17	Make "majoriay" read "majority".
42	13	After "bill" insert "(No. 12, Int. No. 11) entitled".

INDEX TO ASSEMBLY JOURNAL
1907

PLAN OF INDEX.

This Journal is indexed upon the following plan :

1. Every bill relating to a locality may be found indexed under the name of that locality and ordinarily will not be found indexed under the subject to which it relates.

2. All bills relating to Kings county will be found under the New York, General, and all bills relating to Greater New York under New York City, General, and New York City, Charter.

3. Every general bill will be found indexed under the proper subject.

4. Every resolution, excepting those recalling bills, will be found under "Resolutions."

5. Every bill relating to canals will be found under "Canals."

6. The bills relating to general laws under the proper heads, i. e., "Banking Law," "Benevolent Orders Law," "Game Law," "Lien Law," "Revised Statutes," &c., &c., also under the head "General Laws."

7. All claim bills under "Claims."

8. Bills relating to cities of either class under "Cities of 1st Class," "Cities of 2d Class," &c., &c.

9. All code amendments under the heads of "Code Civil," "Code Criminal," and "Code Penal."

10. All petitions under "Petitions," and reports under "Reports."

11. All points of order under "Points of Order."

12. All decisions and acts of Speaker under "Speaker."

13. Privileges of floor under "Privilege."

14. All matters not relating to bills under the proper head.

15. The numbers used in this index, viz. : "Int. No.," refers to Assembly bill and its introductory number, and when "Rec. No." is used, it refers to a Senate bill and its reception number.

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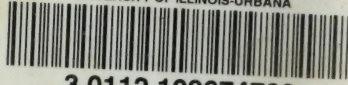
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